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Al-Ihkām Fī Usūl Al-Ahkām

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Introduction

Ibn Hazm On The Foolishness And Lack Of Intellect Of Those Who Follow Falsehood, Even If They Obtain Pleasure In The Dunya

So there is no virtue except following what Allah 'azza wa jal ordered or encouraged, and there is no vice except embarking on that which Allah ta'ala forbade or condemned*, and as for paying attention to the matters of the dunya, it does not matter what the person is helped in of becoming fortunate/receiving a share in it of loudness of voice and highness of status or growth of wealth or obtaining pleasure from an obedience or disobedience, for indeed that is not intellect rather it is foolishness and stupidity, and severe deficiency, and bad choice, and something that leads to destruction in the eternal abode, and our Lord has borne witness to the fact that the enjoyment of the dunya is delusion

فلا فضيلة إلا اتباع ما أمر الله عز وجل به أو حض عليه ولا رذيلة إلا ارتكاب ما نهى الله تعالى عنه أو نزه منه وأما الكيس في أمور الدنيا لا يبالي المرء ما وفق في استجلاب حظه فيها من علو صوت أو عرض جاه أو نمو مال أو نيل لذة من طاعة أو معصية فليس ذلك عقلا بل هو سخف وحمق ونقص شديد وسوء اختيار وقائد إلى الهلاك في دار الخلود وقد شهد ربنا تعالى أن متاع الدنيا غرور

And we have known that the person who leaves the truth and follows delusion is foolish in choice, weak in intellect, and rotten in distinguishing things

وقد علمنا أن تارك الحق ومتبع الغرور سخيף الاختيار ضعيف العقل فاسد التمييز

Chapter 1-The Intended Purpose Of The Book

Ibn Hazm On The Uselessness Of The Pleasures Of The Dunya

And with that it is established that there is no benefit in the dunya and in being in it except knowledge of what Allah 'azza wa jal ordered, and teaching it to those who are ignorant, and acting upon what it necessitates, and that all that is other than this, of what the people compete in of far-reaching voice, is delusion, and that all that the ignorant souls are greedy for, of vile purposes, is error, except what is intended to bring justice and suppress falsehood and rule by the command of Allah ta'ala and by the command of His messenger, sallallahu 'alayhi wa sallam, and reviving sunan of truth and ending tawaali' of injustice, and that what the vile souls incline to of pleasures, in familiar scenes changing after a little, and pleasant sounds that leave with the blowing of the wind,

وصح بذلك أنه لا فائدة في الدنيا وفي الكون فيها إلا العلم بما أمر به عز وجل وتعليمه أهل الجهل والعمل بموجب ذلك وإن ما عدا هذا مما يتنافس فيه الناس من بعد الصوت غرور وأن كل ما تشره إليه النفوس الجاهلة من غرض خسيس خطأ إلا ما قصد به إظهار العدل وقمع الزور والحكم بأمر الله تعالى وبأمر رسوله صلى الله عليه وسلم وإحياء سنن الحق وإماتة طوابع الجور وإن ما تميل إليه النفوس الخسيسة من اللذات بمناظر مألوفة متغيرة عما قليل وأصوات مستحسنة متقضية بهبوب الرياح

and extreme scents that disappear after hours and sweetened transforming tastes that in the shortest time undergo the ugliest transformation and beautiful garments that undergo in the

shortest time an ugly batil change and indeed all that the people who are rotten at choosing spend their time in, of obtaining wealth which moves after little time, is useless except what establishes sustenance and holds the soul and spends in the causes of goodness which lead to winning in the abode of eternity.

The best of what the person of intellect can take care of is clarifying that which it is hoped would lead to guidance of the people of his kind, and saving them from the bewilderment of doubt and the darkness of falsehood and taking them out into clarification of the truth and light of certainty

ومشام مستطرفة منحلة بعيد ساعات ومذاوق مستعذبة مستحلية في أقرب مدة أقيح استحالة وملابس معجبة متبدلة في أيسر زمان تبدلا موحشا باطلا وإن كل ما يشغل به أهل فساد التمييز من كسب المال المنتقل عما قريب فضول إلا ما أقام القوت وأمسك الرmq وأنفق في وجوه البر الموصلة إلى الفوز في دار البقاء كان أفضل ما عناه المرء العاقل ببيان ما يرجو به هدى أهل نوعه وإنقاذهم من حيرة الشك وظلمة الباطل وإخراجهم إلى بيان الحق ونور اليقين

Chapter 3-Establishing Proofs Of The ‘Aql

Ibn Hazm On Justness In Debate

And we found that He, ta'ala, has taught us in these aayaat, the manifestations of justness which are the peak of fairness in debate, and it is that if one brings an evident proof, it is obligatory to leave the wrong view for his view, and likewise is our view, following our Lord 'azza wa jal, after the truthfulness of our views, not doubting in them and not fearing that anyone will come with anything that corrupts them, rather fully trusting that no one will ever come with anything that goes against it, because we-and to Allah is all praise-are the people of filtering and research and qat' of 'umr in seeking out authenticity of the proof. And belief of the proofs comes before belief in what they prove, until we were helped to find-and to Allah ta'ala is all praise- what put us at peace in certainty and we left the people of ignorance and taqlid in their doubt...

ووجدناه تعالى قد علمنا في هذه الآيات وجوه الإنصاف الذي هو غاية العدل في المناظرة وهو أنه من أتى ببرهان ظاهر وجب الانصراف إلى قوله وهكذا نقول نحن اتباعا لرينا عز وجل بعد صحة مذاهبنا لا شكاً فيها ولا خوفاً منه أن يأتي أحد بما يفسدها ولكن ثقة منا بأنه لا يأتي أحد بما يعارضها به أبداً لأننا والله الحمد أهل التخليص والبحث وقطع العمر في طلب تصحيح الحجة واعتقاد الأدلة قبل اعتقاد مدلولاتها حتى وفقنا والله تعالى الحمد على ما تلج اليقين وتركنا أهل الجهل والتقليد في ريبهم

Ibn Hazm On The Obligation Of Debate And Argument

Allah 'azza wa jal said: { وَتِلْكَ حُجَّتُنَا آتَيْنَاهَا إِبْرَاهِيمَ عَلَى قَوْمِهِ نَرْفَعُ دَرَجَاتٍ مَن نَّشَاءُ إِنَّ رَبَّكَ حَكِيمٌ عَلِيمٌ }

[Surah Al-An'âm: 83]

Sahih International:

And that was Our [conclusive] argument which We gave Abraham against his people. We raise by degrees whom We will. Indeed, your Lord is Wise and Knowing.

And He, ta'ala, has ordered us in the text of the Qur'an to follow the millah of Ibrahim 'alayhissalam, and He, ta'ala, informed us that from the millah of Ibrahim is argument and debate, once with the king and once with [Ibrahim's] people, and istidlal is as Allah ta'ala informed us about it, so it is obligatory upon us to follow debate to turn the people of falsehood to the truth, and that we seek out the correct answer with istidlal in what those who disagree disagree in. Allah 'azza wa jal said:

{ إِنَّ أَوَّلَى النَّاسِ بِإِبْرَاهِيمَ لِلَّذِينَ اتَّبَعُوهُ وَهَذَا النَّبِيُّ وَالَّذِينَ ءَامَنُوا وَاللَّهُ وَلِيُّ الْمُؤْمِنِينَ }

[Surah Âl-`Imrân: 68]

“Indeed, the most worthy of Abraham among the people are those who followed him [in submission to Allah] and this prophet, and those who believe [in his message]. And Allah is the ally of the believers.”

So we are those who follow Ibrahim 'alayhissalam

فقال عز وجل {وَتِلْكَ حُجَّتُنَا آتَيْنَاهَا إِبْرَاهِيمَ عَلَى قَوْمِهِ نَرْفَعُ دَرَجَاتٍ مَنْ نَشَاءُ إِنَّ رَبَّكَ حَكِيمٌ عَلِيمٌ} وقد أمرنا تعالى في نص القرآن باتِّباع ملة إبراهيم عليه السلام وخبرنا تعالى أن من ملة إبراهيم المحاجة والمناظرة فمرة للملك ومرة لقومه والاستدلال كما أخبرنا تعالى عنه ففرض علينا اتِّباع المناظرة لنصرف أهل الباطل إلى الحق وأن نطلب الصواب بالاستدلال فيما اختلف فيه المختلفون قال الله عز وجل {إِنْ أُولَىٰ لِنَاسٍ بِإِبْرَاهِيمَ الَّذِينَ تَبِعُوهُ وَهَذَا لِنَبِيِّ وَلَدَيْنِ آمَنُوا وَلِلَّهِ وَلِيٌّ لِّمُؤْمِنِينَ} فنحن المتبعون

in argument and debate, so we are those most worthy of him, and the rest of the people are commanded with that.

Allah ta'ala said:

{ قُلْ صَدَقَ اللَّهُ فَاتَّبِعُوا مِلَّةَ إِبْرَاهِيمَ حَنِيفًا وَمَا كَانَ مِنَ الْمُشْرِكِينَ }

[Surah Âl-`Imrân: 95]

Sahih International:

Say, " Allah has told the truth. So follow the religion of Abraham, inclining toward truth; and he was not of the polytheists."

And from his religion is debate as we have mentioned, so whoever forbids debate and argument, then let him know that he is disobedient to Allah 'azza wa jal and in opposition to the religion of Ibrahim and Muhammad sallallahu 'alayhima

لإبراهيم عليه السلام في المحاجة والمناظرة فنحن أولى الناس به وسائر الناس مأمورون بذلك قال الله تعالى إقل صدق الله فاتبعوا ملة إبراهيم حنيفا وما كان من لمشركين ومن ملته المناظرة كما ذكرنا فمن نهى عن المناظرة والحجة فليعلم أنه عاص الله عز وجل ومخالف لملة إبراهيم ومحمد صلى الله عليهما

Ibn Hazm On Being Certain and Uncertain In Different Issues

So we say, in diligence and acknowledgement, if we find he who is more guided than us then we would follow him and leave behind that which we are upon, and this is only in issues in which the ahadith and ayat contradicted in the dhahir of their phrasing, and no proof has been established for us of what is abrogated or abrogating among it only, or in issues in which ahadith have been narrated which have not been established with us, while they could be authentic in their narration, so if their authenticity reaches us we would take the view of following them, only that these instances among our views are very little, and all praise is to Allah, the Lord of the worlds, and as for the rest of our views, we are upon the peak of certainty in them.

فنقول مجدين مقرين إن وجدنا ما هو أهدى منه اتبعناه وتركنا ما نحن عليه وإنما هذا في مسائل تعارضت فيها الأحاديث والآي في ظاهر اللفظ ولم يقم لنا بيان الناسخ من المنسوخ فيها فقط أو في مسائل وردت فيها أحاديث لم تثبت عندنا ولعلها ثابتة في نقلها فإن بلغنا ثباتها صرنا إلى القول بها إلا أن هذا في أقوالنا قليل جدا والحمد لله رب العالمين وأما سائر مذهبنا فنحن منها على غاية اليقين

Excerpt on Blame For Actions

And no person is blamed except for what he does, not for what is borne out of his actions, and the disbeliever is only blamed for his action, not for entering the Fire, and the murderer is only blamed for his action, not for the death of his victim, nor for qisas being taken from him...

Chapter 6

الباب السادس هل الأشياء في العقل قيل ورود الشرع على الحظر أم على الإباحة

Ibn Hazm On Why The Faqeeh Must Be Skilled In The Language

“...and for this reason we said that the faqeeh must be a nahawi lughawi, and if he is not then he is deficient and it is not permissible for him to give fatawa, because of his ignorance of the meanings of the names, and after it in understanding of the narrations...”

ولهذا قلنا إنه لا بد للفقهاء أن يكون نحويًا لغويًا وإلا فهو ناقص ولا يحل له أن يفتي لجهله بمعاني الأسماء وبعده عن فهم الأخبار

Chapter 8

[الباب الثامن في البيان ومعناه](#)

The Definition Of Ahlul Bayt, And An Example Of Avoiding Taqlid Of A Companion's Interpretation

“...then he said: “And ahlu bayti, I remind you of Allah with regard to ahlu bayti(the people of my household), I remind you of Allah with regard to ahlu bayti.” Ali said: And Zayd bin Arqam interpreted that they are Banu Hashim. Ali said: And taqlid is batil, so it is obligatory to seek

out the definition of ahlu baytihi(the people of the household of the Prophet(alayhissalam)) in the Book and the Sunnah, and we found that Allah ta'ala said:

“O wives of the Prophet, you are not like anyone among women. If you fear Allāh, then do not be soft in speech [to men], lest he in whose heart is disease should covet, but speak with appropriate speech.

And abide in your houses and do not display yourselves as [was] the display of the former times of ignorance. And establish prayer and give zakāh and obey Allāh and His Messenger. Allāh intends only to remove from you the impurity [of sin], O people of the [Prophet's] household, and to purify you with [extensive] purification.

And remember what is recited in your houses of the verses of Allāh and wisdom. Indeed, Allāh is ever Subtle and Aware.

”(Surat al-Ahzab: 32-34)

ثم قال وأهل بيتي أذكركم الله في أهل بيتي أذكركم الله في أهل بيتي قال علي وفسر زيد بن أرقم أنهم بنو هاشم قال علي والتقليد باطل فوجب طلب من هم أهل بيته عليه السلام في الكتاب والسنة فوجدنا الله تعالى قال يا نساء النبي لستن كأحد من النساء إن اتقيتن فلا تخضعن بالقول فيطمع الذي في قلبه مرض وقلن قولا معروفا وقرن في بيوتكن ولا تبرجن تبرج الجاهلية الأولى وأقمن الصلاة وآتين الزكاة

وأطعن الله ورسوله إنما يريد الله ليذهب عنكم الرجس أهل البيت ويطهركم تطهيرا واذكرن ما يتلى في بيوتكن من آيات الله والحكمة إن الله كان لطيفا خبيرا

Ali said: So this ayah lifts the doubt and makes clear that the people of the Prophet's(alayhissalam) household are his wives only, and as for Banu Hashim, they are the family of Muhammad and those who are close relatives according to the text of the Qur'an and Sunnah, so they are included in his division of the khumus and forbiddance of sadaqah...”

قال علي فرفعت هذه الآية الشك وبينت أن أهل بيته عليه السلام هن نساؤه فقط وأما بنو هاشم فإنهم آل محمد وذو القربى بنص القرآن والسنة فهم في قسمه الخمس وتحريم الصدقة

Chapter 11

Excerpt On The Kufr Of Those Who Reject The Scripture In Favor Of Taqlid, Qiyas, And Speculation

Ali said: These āyāt are muḥkamāt, they do not leave an iota which people could riot with. Allah ta'ala clarified in them what people of our time do. Indeed, they say: "We are those who believe in Allah and in the messenger and we are obedient to them, " then a group of them turns away after this acceptance, and they oppose what has been transmitted to them from Allah 'azza wa jal and His messenger(sallallahu 'alayhi wa sallam).

قال علي هذه الآيات محكمات لم تدع لأحد علقه يشغب بها قد بين الله فيها صفة فعل أهل زماننا فإنهم يقولون نحن المؤمنون بالله وبالرسول ونحن طائعون لهما ثم يتولى طائفة منهم بعد هذا الإقرار فيخالفون ما وردهم عن الله عز وجل ورسوله صلى الله عليه وسلم

Those people, as said in the text of the ruling of Allah ta'ala about them, are not believers. And if they are called to āyāt of the Qur'an, or hadith of the Messenger(sallallahu 'alayhi wa sallam), which go against their cursed taqlīd,

أولئك بنص حكم الله تعالى عليهم ليسوا مؤمنين وإذا دعوا إلى آيات من قرآن أو حديث عن الرسول صلى الله عليه وسلم يخالف كل ذلك تقليدهم الملعون

they turn away from that. Among them is one who says: "This is not obligatory to act upon," and one who says "This is khusūs," and one who says: "This is matrūk," and one who says: "So-and-so rejected this," and one who says: "Qiyās is other than this," until if they find something of the hadith and Qur'an which is in accordance with what they performed taqlīd of, they fly to it eagerly, and come to it obediently, as Allah described letter by letter.

أعرضوا عن ذلك فمن قائل ليس عليه العمل ومن قائل هذا خصوص ومن قائل هذا متروك ومن قائل أبى هذا فلان ومن قائل القياس غير هذا حتى إذا وجدوا في الحديث أو القرآن شيئا يوافق ما قلدوا فيه طاروا به كل مطار وأتوا إليه مذعنين كما وصف الله حرفا حرفا

So woe to them, what is with them? Is there disease in their hearts, and doubt? Or do they fear injustice from Allah ta'ala and injustice from His messenger(sallallahu 'alayhi wa sallam)? Unquestionably, they are the wrongdoers, as they were called by Allah, the Lord of the worlds. So away with a wrongdoing people.

فيا ويلهم ما بالهم أفي قلوبهم مرض وريب أم يخافون جور الله تعالى وجور رسوله صلى الله عليه وسلم ألا إنهم هم الظالمون كما سماهم الله رب العالمين فبعدا للقوم الظالمين

Excerpt On Nifaq In Rejecting The Truth In A Debate

Whoever debates his opponent in an issue of religion and its rulings which we were ordered to become knowledgeable in, and his opponent called him to what Allah ta'ala revealed and to the speech of the Messenger, then he(the debater) averted him from them and called him to qiyas or to the saying of so-and-so and so-and-so, then let him know that Allah 'azza wa jal has called him a munafiq. We seek refuge in Allah from this position which leads to destruction. So repentance, repentance, oh slaves of Allah, before the fulfilment of the term and end of respite.

فإن من ناظر خصمه في مسألة من مسألة الديانة وأحكامها التي أمرنا بالتفقه فيها فدعاه خصمه إلى ما أنزل الله تعالى وإلى كلام الرسول فصده عنهما ودعاه إلى قياس أو إلى قول فلان وفلان فليعلم أن الله عز وجل قد سماه منافقا نعوذ بالله من هذه المنزلة المهلكة فالتوبة التوبة عباد الله قبل حلول الأجل وانقطاع المهل

Excerpt On The Blessings Of Intelligence And Understanding, And A Du'aa' For Bounty

Allah helps those whom He wills of His slaves to understand that, and He prevents it for those whom He wills, there is no god but Him. Just like how He grants understanding and intelligence and patience in seeking goodness to those whom He wills, and gives weakness of understanding, lack of understanding, and laziness to those whom He wills. We ask Allah from His bounty that which brings us close to Him and nearer to Him in position. Amīn.

يوفق الله تعالى لفهم ذلك من شاء من عباده ويحرمه من شاء لا إله إلا هو كما يؤتي الفهم والذكاء والصبر على الطلب للخير من شاء ويؤتي البلدة وبعد الفهم والكسل من شاء نسأل الله من هبته ما يقرب منه ويصرف لديه آمين

Excerpt On The Obligation Of Searching For A Narration After Being Reached By It

and everyone who was reached by a narration from the Prophet(sallallahu 'alayhi wa sallam), it is obligatory upon him to search for it, and if he does not do so then he has disobeyed Allah ta'ala

وكل من بلغه عن النبي صلى الله عليه وسلم خبر فقد لزمه البحث عنه فإن لم يفعل فقد عصى الله تعالى

Excerpt On The Fisq Of Rejecting To Follow A Narration After Being Reached By It, In Favor Of Following Qiyas Or Taqlid, And About The Excuse Of Ignorance In This

and everyone upon whom proof has been established from usūl that he considers authentic* and accepts that they are true, and it became clear to him and he understood it, yet he does not do

what it necessitates, in favor of doing taqlid instead or because he thinks there is another hujjah that he doesn't know, then he is a fasiq

وكل من قامت عليه حجة من أصول صحيحها وأقر بأنها حق فلاحق له وفهمها ثم لم يرجع إلى موجبها لتقليد أو لأنه ظن أن ههنا حجة أخرى لا يعلمها فهو فاسق

and that is like he who accepts the khabar al wahid, then a sahih musnad hadith comes to him, and he leaves it in favor of qiyas or desires or taqlid of Malik or al-Shafi'i or Abu Hanifah or Ahmad or Dawud or a sahib from the sahabah or a tabi' or old or recent faqeeh, believing that that faqeeh or sahib had a virtue of knowledge which he is ignorant of, of that the text that he performed qiyas upon is more deserving of being followed, then he is a fasiq whose 'adalah(trustworthiness) is dropped, disobedient to Allah 'azza wa jal.

وذلك نحو من أقر بخبر الواحد فأثاه حديث صحيح مسند فتركه لقياس أو لهوى أو تقليدا لمالك أو للشافعي أو لأبي حنيفة أو لأحمد أو لداود أو لصاحب من الصحابة أو تابع أو فقيه قديم أو حديث معتقدا أن ذلك الفقيه أو صاحب كان عنده فضل علم جهله هو أو أن النص الذي قاس عليه أحق أن يتبع فهو فاسق ساقط العدالة عاص لله عز وجل

And as for he who uses a different hadith which opposes the one that reached him, then as long as he does not check at all in the bina' of the ahadith over each other, then he is rewarded for his ijtihaad, even if he is incorrect, and there is no sin upon him for his error

وأما من تعلق بحديث آخر معارض للحديث الذي بلغه فما دام لا يحقق أصلا في بناء الأحاديث بعضها على بعض فهو مأجور على اجتتهاده وإن كان مخطئا ولا إثم عليه في خطئه

And likewise is what we say about the āyāt and about the ahadith and āyāt, with no difference. And as for what we mentioned before, it is different from that because he left the truth while

knowing it, so he enters among those who oppose the messenger after guidance had become clear to them,

وهكذا القول في الآي وفي الأحاديث والآي ولا فرق وأما من ذكرنا قبل فيخالف ذلك لأنه ترك الحق وهو يعلمه فدخل فيمن شاق الرسول من بعد ما تبين له الهدى

and as for if he checked originally in the bina' of the ahadith or āyāt, or the ahadith with the āyāt, so it became obligatory upon him, then he does not believe* in what it necessitates, then he is a fasiq as we said before*, because of the āyah in which Allah ta'ala said:

"And whoever opposes the Messenger after guidance has become clear to him and follows other than the way of the believers - We will give him what he has taken and drive him into Hell, and evil it is as a destination." [Surah An-Nisâ': 115]

وأما إذا حقق أصلا في بناء الأحاديث أو الآي أو الأحاديث مع الآي فالتزمه ثم لم يعتد موجه فهو فاسق كما قدمنا للآية التي قال تعالى فيها { } وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۚ وَسَاءَتْ مَصِيرًا

Excerpt On The Kufr Of Believing A Person After The Prophet(sallallahu ‘alayhi wa sallam) Can Abrogate One Of His Commands, And Excuse Of The Ignorant In This

And indeed, only those who have not been shown the hujjah due to their ignorance are excused, and likewise he who has been shown the proofs on the invalidity of qiyas, yet keeps using it, and as for he who considers it possible for a sahib or other than him to have abrogated a command that Allah's messenger(sallallahu 'alayhi wa sallam) gave, or made a new law, then he is a kafir mushrik whose blood and wealth are permissible, in the same position as the Jews and

Christians, and upon him is the curse of Allah and the curse of those who curse, and the curse of the angels and of all people, and we are free of him and he is free of us, but if the hujjah was not established upon him, then he is mistaken, rewarded one time for his intention of good, and from Allah ta'ala is all success, and He is sufficient for us, and He is the best Disposer of affairs.

وإنما يعذر من لم تقم عليه حجة بجهله فقط وكذلك من قامت عليه البراهين في إبطال القياس فتمادى عليه وأما من أجاز أن يكون صاحب فمن دونه ينسخ أمرا أمر به رسول الله صلى الله عليه وسلم أو يحدث شريعة فهذا كافر مشرك حلال الدم والمال بمنزلة اليهود والنصارى وعليه لعنة الله ولعنة اللاعنين والملائكة والناس أجمعين ونحن برآء منه وهو بريء منا فإن لم تقم عليه الحجة فهو مخطيء مأجور مرة لقصده إلى الخير وبالله تعالى التوفيق وهو حسبنا ونعم الوكيل

Excerpt On The Validity Of Narrations With Differing Wording

Ali(ibn Hazm) said: And differing of the hadith narrations is not a flaw if the meaning is the same, because it is authentically narrated that the Prophet(sallallahu alayhi wa sallam) would repeat ahadith that he said three times, so each person would transmit according to what he heard. So this differing in the narrations does not weaken the hadith if the meaning is the same.

قال علي وليس اختلاف الروايات عيبا في الحديث إذا كان المعنى واحدا لأن النبي صلى الله عليه وسلم صح عنه أنه إذا كان يحدث بحديث كره ثلاث مرات فنقل كل إنسان بحسب ما سمع فليس هذا الاختلاف في الروايات مما يوهن الحديث إذا كان المعنى واحدا

Excerpt On The Levels Of The People Of Knowledge Being Like Three Types Of Earth

Ali said: Allah's messenger(sallallahu 'alayhi wa sallam) has brought together the levels of the people of knowledge in this hadith, without leaving any of them out. So the fertile, pure earth is like the faqeeh who precisely preserves what he narrates, who understands the meanings of the phrasing of the text, who is aware of referring what the people differ in to the text of the ruling of the Qur'an and to the Sunnah of Allah's messenger(sallallahu alayhi wa sallam), and as for the solid earth which holds water which people are given to drink from, it is like the group which memorized what they heard or preserved it precisely in writing and held it until they transmitted it unchanged to others,

but they did not pay attention to the meanings of what they narrated nor did they have knowledge of how to refer what the people differed in to the text of the Qur'an and to the sunan which were narrated, but Allah ta'ala benefited people through them with their transmission, so they transmitted it to those who were better at understanding it. Allah's messenger(sallallahu alayhi wa sallam) has told of this, when he said: "It could be that a recipient of knowledge is better at understanding than the one who heard it, " and as was narrated from him that he said that it is possible for one who carries fiqh to not be a faqeeh.

Abu Muhammad said: He who did not memorize what he heard, nor did he preserve it precisely, then he is not like the fertile earth nor is he like the solid earth which holds water, rather he has been prevented, and is either excused or blameworthy, at the degree of the barren land which does not grow food or hold water, and in this is sufficient clarification, and from Allah ta'ala is all success.

Ali said: So whoever among you is able, then let him be like the fertile earth. If he is prevented from that, then let him be like the solid earth, and after that there is no degree of favor and high level*. And we seek refuge in Allah from being like the barren earth. But he who is given to drink from the solid earth and is nourished by the fertile earth has been saved, and from Allah ta'ala is all success.

Excerpt On Why Testimony That A Person Commits Minor Sins In Secret Is Rejected When Grading Narrators In Hadith Science, But Testimony That They Commit A Major Sin Is Accepted

And if someone testified that another person commits minor sins in concealment, that testimony would be rejected and the witness would be blameworthy, and it would not be possible for that to affect the testimony of the one who conceals his minor sins, for two reasons, one of them being that no person is able to be completely free of minor sins, and the second is that it is forgiven for him, and if someone testified that he conceals a major sin, that testimony would be accepted, and the testimony of the person who concealed that major sin would be rejected, because it is not forgiven except by tawbah or if the scale on the Day of Resurrection is higher in good deeds when his deeds are weighed

ولو أن امرأ شهد على آخر بأنه يستتر بالصغائر لكانت شهادة الشاهد عليه بذلك مردودة وكان ملوما ولم يجز أن يقدح ذلك في شهادة المستتر بها لوجهين أحدهما أنه لا ينجو أحد من ذنب صغير والثاني أنه معفو عنه ولو شهد على أحد أنه يستتر بكبيرة لقبلت شهادته عليه ولردت شهادة المستتر بها لأنها ليست مغفورة إلا بالتوبة أو برجوح الميزان عند الموازنة يوم القيامة

Excerpt On What Is Considered Fisq

...or committed zina or drank khamr or committed a major sin or openly committed a minor sin, then he is a fasiq according to the entire ummah

وفسق في أخرى وزنى أو شرب الخمر أو أتى كبيرة أو جاهر بصغيرة فإنه فاسق عند جميع الأمة

Excerpt On All People On Earth Being Either Fussaqa Or Not Fussaqa

Every person on earth is either a fasiq or a non-fasiq. If he is not a fasiq then he is 'adl, and there is no third category at all. The 'adl is divided into two types, a faqeeh and a non-faqeeh. The faqeeh who is 'adl is accepted in everything, and the fasiq is not accepted in anything, and as for the 'adl who has not memorized, specifically his warning is not to be accepted in anything...

أنه لا يخلو كل أحد في الأرض من أن يكون فاسقا أو غير فاسق فإن كان غير فاسق كان عدلا ولا سبيل إلى مرتبة ثالثة فالعدل ينقسم إلى قسمين فقيه وغير فقيه فالفقيه العدل مقبول في كل شيء والفاسق لا يحتمل في شيء والعدل غير الحافظ لا تقبل نذارته خاصة في شيء من الأشياء

Excerpt On The Four Types Of Jarh In Transmitting Narrations

Jarh in transmitting narrations is only of four types

1. Committing a major sin after hujjah was established on him
2. Committing something he believes to be haram, even if he made a mistake in that, before hujjah is established on him that he made a mistake
3. Openly committing minor sins after hujjah has been established on him (ie he has seen it and believed it's authentic)
4. Not being faqeeh in the transmitted content, i.e not having memorized/preserved it (this fourth reason applies only to transmitting narrations not shuhud in rulings, and it's fine for a witness to be known for ghafla etc)

ولا يكون الجرح في نقلة الأخبار إلا بأحد أربعة أوجه لا خامس لها الإقدام على كبيرة قد صح عند المقدم عليها بالنص الثابت أنها كبيرة الثاني الإقدام على ما يعتقد المرء حراما وإن كان مخطئا فيه قبل أن تقوم الحجة عليه بأنه مخطيء والثالث المجاهرة بالصغائر التي صح عند المجاهر بها بالنص أنها حرام وهذه الأوجه الثلاثة هي جرحه في نقلة الأخبار وفي الشهود وفي جميع الشهادات في الأحكام وهذه صفات الفاسق بالنص وبإجماع من المخالفين لنا

Excerpt On Forgiveness Before Hujjah Is Established

Ali said: And as for he who approves of what he believes to be halal, and no hujjah of its prohibition has been established upon him, then he is excused and rewarded, even if he erred, and the people of desires, the Mu'tazilah of them, the Murji'ah, the Zaydis, and the Ibadhis are of this attribute, except those whose desires led them to leave the fold of Islam, to kufr upon which there is agreement that it is kufr-and we have clarified that in the book al-Fisal- or he upon whom the hujjah has been established, from scripture or ijma', and he goes on in what he does and does not go back, then he is a fasiq, and likewise is the saying in he who opposes the hadith of the Prophet(sallallahu alayhi wa sallam) in favor of taqlid or qiyas, with no difference, or he who insults one of the sahabah, radi Allahu 'anhum, for that is 'asabiyyah and 'asabiyyah is fisq...

قال علي وأما من قدم على ما يعتقده حالاً مما لم يقد عليه في تحريمه حجة فهو معذور مأجور وإن كان مخطئاً وأهل الأهواء معتزليهم ومرجئهم وزيدبيهم وأباضيهم بهذه الصفة إلا من أخرجه هواء عن الإسلام إلى كفر متفق على أنه كفر وقد بينا ذلك في كتاب الفصل أو من قامت عليه حجة من نص أو إجماع فتصادى ولم يرجع فهو فاسق وكذلك القول فيمن خالف حديث النبي صلى الله عليه وسلم لتقليد أو قياس ولا فرق أو من سب أحد الصحابة رضي الله عنهم فإن ذلك عصبية والعصبية فسق

(rtb)

[Chapter In Which Are The Divisions Of Narrations From Allah Ta'ala]

Abu Muhammad said: The scripture came, then no two Muslims differed in that what was authentically narrated from Allah's messenger(sallallahu 'alayhi wa sallam), which he said, is obligatory to follow, and that it is explanation of what Allah meant in the Quran, and clarification of it.

Then the Muslims differed about the way which leads to knowing the authenticity of narrations from the Prophet(sallallahu 'alayhi wa sallam), after certain consensus upon what we have mentioned and upon obedience from every Muslim, because of Allah's (ta'ala) statement:

"O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result." [Surah An-Nisâ': 59]

So we looked into that and we found that the narrations are divided into two divisions: one being the narration of tawatur, and it is what people have narrated collectively, after people narrating it collectively, until it reaches the Prophet(sallallahu 'alayhi wa sallam), and this is a narration which no two Muslims differ about in that it is obligatory to accept it, and that it is certain truth, because by the likes of it, we have known that the Qur'an is what Muhammad(sallallahu 'alayhi wa sallam) came with, and by it we have known the truthfulness of the sending of the Prophet(sallallahu 'alayhi wa sallam), and by it, we have known the number of bowings in every prayer, and the number of prayers and many things of the rulings of zakah and other than that whose explanations were not clarified in the Qur'an.

And we have spoken in the book of al-Fisal about that, and we have clarified that proof stands upon its authenticity, and we have clarified how it is to be, and that necessity and nature both obligate accepting it, and that by it, we have known about that which we have not witnessed of lands and those who were before us of prophets and scholars and philosophers and kings and events and tawalif, and he who rejects that is at the level of he who rejects what he perceives with the first senses, with no difference.

And it would be necessary for him to not believe that there was time before him, or that his father and mother were before him, or that he was born from a woman.

Ali said: and the people differed in the specified amount of people who must narrate a narration, which we have mentioned. One group said: A narration is not to be accepted except from all of the people of the east and west, and one group said it is not to be accepted except from a number which we cannot count, and one group said no less than 300 and 10-odd men are accepted, the number of the people of Badr, and one group said no less than 70 are accepted, and one group said no less than 50 are accepted, the number of qsamah, and one group said it is not accepted except from 40,

because that is the number that when the Muslims reached it their religion became manifest, and one group said it is not to be accepted except from 20, and one group said it is not to be accepted except from 12, and one group said it is not to be accepted except from five, and one

group said it is not to be accepted except from four, and one group said it is not to be accepted except from three....

....

...and one group said it is not to be accepted except from two.

Ali said: And these are all sayings which have no proof, and everything that is like this is dropped. And sufficient to invalidate that is that we challenge* everyone who claims one of these specified numbers to perform analogy of every thing whose authenticity he believes in of the narrations of his religion and worldly life, for indeed there is no way at all for any of it to have been proven authentic to him with the number that he specified,

every person of that number narrating from the same number, all of it, and likewise adding on until it reaches tahqeeq of that number from his religion or worldly life, so every saying from them results in invalidation of every narration ever, and we do not exclude anything from this, because even if he heard some narrations from the amount which he specified, that level must still be invalidated in what is above that, and every statement which leads to falsehood is falsehood itself with no doubt and from Allah ta'ala is all success.

So only the view of those who claim tawatur without specifying a certain amount remains. Ali said: And we say here, if Allah ta'ala wills, a brief statement. So we say, and from Allah ta'ala is all success: For everyone who specifies a certain number of narrators for the khabar of tawatur, for which a number less than that would not necessitate absolute certainty, of seventy, or twenty, or a number we cannot count, even if in itself it is counted and of a specified amount, or the people of the East and West-and there is no way to meet them, or for anyone to meet all of them-and he must limit to some of them, excluding others, by necessity, and there must be for that tawatur which they claim, in itself, a number which if there is only one lacking from it, it stops being mutawatir, and if not, then they have claimed something that is not knowable or comprehensible at all.

So then it is necessary to specify a certain number. So we say to them: What do you say if a single person is removed from this number which you specified? Does the removal of that single person invalidate acceptance of that narration, or not?

If he says that it invalidates it, he has done tahakkum* without a proof, and every statement which is merely a claim without evidence is rejected and dropped. If he says that it is to be accepted, we remove another narrator, then another one, until it reaches one only. And if he specifies a number, we ask him about the proof for that, and there is no way for him to find it at all.

....

And Allah ta'ala has mentioned numbers other than these in the Qur'an. He, ta'ala, mentioned one, and two, and three, and four, and one hundred thousand, and other than that, and there is no difference between he who clings to one of those numbers and between he who clings to a different number than them, and nothing of these numbers has come in the Quran with regard to accepting narrations nor with regard to establishing proof with them...

...

But we say, that if two or more come and we are certain that they did not meet or conspire, and that there was no raghba for them in what they narrated, nor fear* regarding it, and none of them taught the other, so each one of them narrated separately a long hadith which the imagination of two people cannot happen to make up simultaneously, and both of them mentioned something they witnessed or meeting a group which witnessed or narrated from one like it, that it witnessed, then it is a narration of truth which undoubtedly forces anyone who

hears it to believe it and be certain of it, and this, that we have said, is known by the senses of he who ponders it...

....

Ali said: And likewise, Allah's messenger(sallallahu 'alayhi wa sallam) sent Mu'adh to the soldiers* and parts of Yemen, and Abu Musa to another place...

....

and Abu Ubaydah to Najran, and Ali as a judge to Yemen, and all of those went to the place they were sent, teaching them the rulings of Islam, and likewise he sent a commander to every juhah which was far or close to him which accepted Islam, like the farthest part of Yemen and al-Bahrain and the rest of the juhah and ahya' and tribes which became Muslim*. He sent to every group a man who would teach them their religion and teach them the Qur'an, and give fatawa to them in the rulings of their religion, and judge in what occurred among them, and narrate to them what is obligatory upon them, from Allah ta'ala and His messenger(sallallahu 'alayhi wa sallam), and they were commanded to accept what they were informed of about their Prophet(sallallahu 'alayhi wa sallam).

And his sending of those mentioned people is well-known by the narration of tawatur from believers and disbelievers, not one of the scholars doubts this, nor anyone of the Muslims.

...

...impossible falsehood, that Allah's messenger sent to them he whose narration does not establish proof and whose teaching of the Qur'an and rulings of the religion and fatawa in the sharia they are not obligated to accept

and he whom they are not obligated to obey what he narrated of all of that from Allah's messenger, and if it had been like that then his sending them would have been for no benefit, and he would have been saying to the Muslims: "I have sent to you one whom you are not obligated to accept what he has narrated from me and from your ruling is that you are not meant to pay attention to what he narrates to you from me nor to listen to what he informs you about from me, "

and he who says this has left Islam. And likewise, he who was raised in a village or city which only has one reciter or one muhaddith or one mufti, then we say to those who disagree with us, what do you say? Is it obligatory for him, when he learns Qur'an from that reciter, to believe him in that it is the speech of Allah ta'ala? Or is it upon him to doubt and not believe that it is the speech of Allah 'azza wa jal?

If they say that he must accept that it is the speech of Allah ta'ala, we say: You have spoken the truth, so what difference is there between their narrating the Qur'an and their narrating the sunan, while both of them are from Allah ta'ala, and both of them are obligatory to accept?

And if they say that it is upon him to doubt what he hears, until collective narrators narrate it to him, then they have come with something tremendous(evil) in the religion, and in that case we ask them, about the one who meets two or three or four, for they must have a specified number which they stop at. So their speech would be mockery and falsehood, and a claim without evidence...

....

So He, ta'ala, has warned from opposing the warning of the group, and a group in the language means some of a thing as we have mentioned before, and no two Muslims differ in that if one trustworthy Muslim enters the land of kufr and calls a people to Islam and recites the Quran to them and teaches them the rulings, then it would be obligatory upon them to accept it and the proof would have been established upon them, and likewise if the caliph or commander sends a

messenger to a king among the kings of the disbelievers or to a people of the disbelieving peoples,

and calls them to Islam and teaches them the Quran and rulings of the religion, with no difference. And no Muslim has ever said that it was the ruling of the people of Yemen to say to Mu'adh, and to those who the Prophet(alayhissalam) sent to every corner teaching and giving fatawa and reciting: Yes you are the messenger of Allah's messenger(sallallahu 'alayhi wa sallam), and the عقد of faith is truth

with us, but what you have given us of rulings and taught us of rulings of prayer and issues of Zakah and the rest of the religion from the Prophet(sallallahu 'alayhi wa sallam) and what you have recited to us from the Quran from him, then we do not accept it from you and we do not take it from you because it is possible for you to have lied and it is imagined from you until collective narrators and tawatur come proving it, rather if they said that then they would not have been Muslims.

...

And another proof, and it is that it has been proven with certainty and necessary knowledge that all of the sahaba, the first of them to the last of them, have agreed, without disagreement from a single one of them, nor from any of the tabi'een who were in their time, upon that every one of them, if a religious issue occurred, he would ask a sahabi about it, and accept what he said, and they would only ask him about what the Prophet(sallallahu 'alayhi wa sallam) obligated in accordance with Allah's order, in the religion, in this situation,

and not one of them would ever ask for innovation of a new law in the religion which Allah ta'ala did not give permission for, and likewise everyone after them, generation after generation, we do not exclude any of them, and there is no difference of opinion among any believer or disbeliever at all in that every sahib and every tabi' who asked him, seeking a fatwa on a religious issue, he did not at all say: "It is not permissible for you to act upon what I have

narrated to you from Allah's messenger(sallallahu 'alayhi wa sallam), until al-kawaf narrate it to you...

...

So if it is said: "Make this argument itself an argument to accept the mursal," we say: It is not like that, because no consensus, whether old or new, has been established concerning accepting what is mursal, rather among the tabi'een there are those who did not accept it, like al-Zuhri and other than him.

They ask those who narrate to them about those who narrated to them, until the Prophet(sallallahu 'alayhi wa sallam).

And that is only dropped for the one who is not capable of understanding and knowing the isnad.

....

And other than al-Zuhri as well, many. So with this, the consensus of the entire ummah on accepting khabar al-wahid who is thiqah, from the Prophet(sallallahu 'alayhi wa sallam) is proven...

....

and there is no differing between anyone who has any knowledge of the narrations of the world, both believers and disbelievers, in that the Prophet(sallallahu 'alayhi wa sallam) was in al-Madinah, and his companions(radi Allahu 'anhum) were kept busy with seeking livelihood and suffering from lack of sustenance due to the struggle of living in the Hijaz, and that he('alayhissalam) used to give fatawa and give rulings in the presence of those who were present of his companions only, and indeed the hujjah was only established upon those others who were not present with him('alayhissalam) by being narrated from those who were present, and they were one, and two, and as a whole a number which according to those who disagree with us, would not prevent potential complicity.

....

And by necessity we know that the Prophet(sallallahu 'alayhi wa sallam), when he gave fatawa or rulings, did not gather all of those who were in the city. There is no doubt about this. But he would limit it to those who were present and he would consider that the proof with those who were present is also established upon those who were absent, and there is no way to escape this for anyone who has healthy senses, and from Allah ta'ala is all success.

65

Excerpts On Whose Narrations We Are Obligated To Accept

Ali said: And we have mentioned in the chapter before this, the obligation of accepting the warning of the 'adl(trustworthy person) who goes forth for tafaqquh in the religion. So if the narrator is 'adl and memorized what he became knowledgeable in, or preserved it in writing,

then it is obligatory to accept his warning. And if he makes many mistakes or ghaflah, and does not preserve properly in writing, then he has not achieved tafaquh in what he went forth to achieve tafaquh in.

And if he has not done tafaquh, then he is not among those whose warning we were ordered to accept, and he whose state we are ignorant of, then we do not know whether he is a fasiq or adl or ghafl or hafidh(memorized it) or dabit(preserved it), so it is obligatory for us to do tawaquf on accepting his narration until his fiqh, adalah(trustworthiness), dabt(preservation of the text), or hifdh(memorization) is proven to us, and then we would be obligated to accept his warning, or until his jarh or lack of memorization and dabt is proven, then we would be obligated to reject his narration.

Abdullah bin Yusuf bin Nami narrated to us from Ahmad bin Fath> Abdul Wahhab bin Isa> Ahmad bin Muhammad> Ahmad bin Ali>Muslim bin al-Hajjaj>Abu 'Amir al-Ash'ari>Abu Usamah(Hammad bin Usamah)> Burayd* bin Abdullah> Abu Burdah>Abu Musa that the Prophet(sallallahu 'alayhi wa sallam) said:

Indeed the likeness of what Allah sent me with of guidance and knowledge is like rain which came on some earth, and some of the earth was fertile and accepted the water and grew food and much vegetation, and some of it was solid earth which held the water, and Allah benefited the people with it, so they drink from it and were given* to drink and shepherded/pastured, and another part took rain onto it but it was barren earth which did not hold water and did not grow food, so this is the parable of the one who becomes knowledgeable in the religion of Allah with what Allah sent me with, so he learns and teaches*, and the likeness of the one who did not raise ra'san with that and did not accept the guidance of Allah which I have been sent with.

And Abdur-Rahman bin 'Abdullah al Hmdani narrated to us from Ibrahim bin Ahmad al-Balkhi>al-Farbari>al-Bukhari>Muhammad bin العلاء > Hammad bin Usamah> Yazid, he mentioned it with its isnad and phrasing, except that he said

in the place of "good", "pure" , and in the place of "rain", 'much rain", and in place of "and they shepherded", "and they grew plants", and in the place of " fiqh", "tafaqquh", and in the place of "barren land," "قِيعة", and they agreed on all of the rest of the wording.

Ali(ibn Hazm) said: And differing of the hadith narrations is not a flaw if the meaning is the same, because it is authentically narrated that the Prophet(sallallahu alayhi wa sallam) would repeat ahadith that he said three times, so each person would transmit according to what he heard. So this differing in the narrations does not weaken a hadith if the meaning is the same. Ali said: Allah's messenger(sallallahu 'alayhi wa sallam) has brought together the levels of the people of knowledge in this hadith, without leaving any of them out*. So the fertile, pure earth is like the faqeeh who precisely preserves what he narrates, who understands the meanings of the phrasing of the text, who is aware of referring what the people differ in to the text of the ruling of the Qur'an and to the Sunnah of Allah's messenger(sallallahu alayhi wa sallam), and as for the solid earth which holds water which people are given to drink from, it is like the group which memorized what they heard or preserved it precisely in writing and held it until they transmitted it unchanged to others,

but they did not pay attention to the meanings of what they narrated not did they have knowledge of how to refer what the people differed in to the text of the Qur'an and to the sunan which were narrated, but Allah ta'ala benefited people through them with their transmission, so they transmitted it to those who were better at understanding it. Allah's messenger(sallallahu alayhi wa sallam) has told of this, when he said: "It could be that a recipient of knowledge is better at understanding than the one who heard it, " and as was narrated from him that he said that it is possible for one who carries fiqh to not be a faqeeh.

Abu Muhammad said: He who did not memorize what he heard, nor did he preserve it precisely, then he is not like the fertile earth nor is he like the solid earth which holds water, rather he has been prevented, and is either excused or blameworthy, at the degree of the barren land which does not grow food or hold water, and in this is sufficient clarification, and from Allah ta'ala is all success.

Ali said: So whoever among you is able, then let him be like the fertile earth. If he is prevented from that, then let him be like the solid earth, and after that there is no degree of favor and high

level. And we seek refuge in Allah from being like the barren earth. But he who is given to drink from the solid earth and is nourished by the fertile earth has been saved, and from Allah ta'ala is all success.

Ali said: So if a trustworthy person narrated from one like him, a narration, until the chain of narration reaches the Prophet(sallallahu 'alayhi wa sallam), it is obligatory to accept the narration and obey it and consider it certain*, and it does not matter if it was mursal or mawquf with others or if a liar among the people narrated it

or if it was narrated from a different path, or was not narrated except from that path, or if its narrator was a slave or a woman, or was not, and indeed the criterion is only being trustworthy(adalah) and knowledgeable(tafaqquh).

And indeed there is much that is astonishing from a people who accept the khabar al-wahid, then they do ta'lil of what goes against their madhahib, of the authentic ahadith, by saying: "This is something which only so-and-so narrated, and no other makhraj for it is known except from this path."

Abu Muhammad said: This is severe ignorance and extreme suqut, because they have agreed, along with us, that it is obligatory to accept the khabar al-wahid, and to follow it, then they consecutively do talil and leaving the sunnah by saying that it is a khabar wahid, and it is astonishing that they accept it if they do desire to.

Ali said: And of that in which some of the people of hadith erred in, is that he said that so-and-so can be accepted in raqa'iq(heart-softeners), but not in ahkam(rulings). Abu Muhammad said: And this is falsehood, because it is a corrupt division, with no proof for it, rather the proof invalidates it.

And that is that every person on earth is either a fasiq or a non-fasiq. If he is not a fasiq then he is 'adl, and there is no third category at all. The 'adl is divided into two types, a faqeeh and a non-faqeeh. The faqeeh who is 'adl is accepted in everything, and the fasiq is not accepted in anything, and as for the 'adl who has not memorized, specifically his warning is not to be accepted in anything, because the criterion for acceptance which Allah ta'ala revealed, is not present in him.

And he who is 'adl in some of his narration, then he is 'adl in the rest of them, and it is impossible for it to be permissible to accept some of his narrations but not the rest of them, except if there is scripture from Allah ta'ala or consensus about differentiating between them, and if not, that would be tahakkum* with no proof, and speaking without knowledge, and that is not permissible.

Ali said: And another group of them have also erred, saying that so-and-so is a'dal(more trustworthy/has more adalah) than so-and-so, and with that, they claimed that tarjih of the narration of the more trustworthy person can be done upon the narration of the person who is less than him in 'adalah.

Excerpts On Why The Khabar al-Wahid Is Certain Proof

Ali said: We shall now begin to present the proofs that the khabar al wahid al 'adl which is muttasil to Allah's messenger(sallallahu alayhi wa sallam) in the rulings of shari'a, necessitate knowledge, and it is not possible at all for lying or imagination to enter it.

So we say, and from Allah ta'ala is all success: Allah 'azza wa jal said:

"Nor does he speak from [his own] inclination.

It is not but a revelation revealed," [Surah An-Najm: 3-4]

and He, ta'ala, said, ordering his prophet(alayhis-salatu-was-salam), to say:

"Say, "I am not something original among the messengers, nor do I know what will be done with me or with you. I only follow that which is revealed to me, and I am not but a clear warner.""

[Surah Al-Ahqâf: 9]

and He, ta'ala, said:

"Indeed, it is We who sent down the Dhikr and indeed, We will be its guardian." [Surah Al-Hijr: 9]

and He, ta'ala, said:

"[We sent them] with clear proofs and written ordinances. And We revealed to you the message that you may make clear to the people what was sent down to them and that they might give thought." [Surah An-Nahl: 44]

so it is proven that all of the speech of Allah's messenger(sallallahu alayhi wa sallam) in the religion is wahy(revelation) from Allah 'azza wa jal; there is no doubt in that and there is no differing among any of the people of the language and of the shari'a in that all revelation from Allah ta'ala is revealed Dhikr, so all wahy is certainly protected with the protection of Allah ta'ala,

and everything which Allah guaranteed to us that He will protect, it is guaranteed to be preserved; nothing of it will ever be lost or corrupted with a corruption for which the clarification does not come with explaining how it is invalid, because if other than that was possible, then the speech of Allah ta'ala would have been false and His guarantee of protection would have been unfulfilled*, and this does not cross the mind of any person with a grip of intellect, so it is necessary that what Muhammad(sallallahu alayhi wa sallam) brought to us, is preserved with the guarantee of Allah to preserve it, transmitted to us as it is....

....

Allah ta'ala said:

"Say, "What thing is greatest in testimony?" Say, " Allah is witness between me and you. And this Qur'an was revealed to me that I may warn you thereby and whomever it reaches. Do you

[truly] testify that with Allah there are other deities?" Say, "I will not testify [with you]." Say, "Indeed, He is but one God, and indeed, I am free of what you associate [with Him]."" [Surah Al-An`âm: 19]

so if it is like that, then by necessity we know that there is no way at all for something Allah's messenger(sallallahu alayhi wa sallam) said about the religion to be lost, and there is no way at all for it be mixed with fabricated falsehood, a mixing where none of the people can distinguish the truth from the falsehood with certainty, because if that were possible, then the Dhikr would not have been preserved, and the statement of Allah ta'ala:

"Indeed, it is We who sent down the Dhikr and indeed, We will be its guardian." [Surah Al-Hijr: 9]

would have been lying, and a failed promise, and no Muslim says this.

If someone says: Indeed, Allah ta'ala only meant the Qur'an in this ayah, and it is what Allah ta'ala guaranteed to protect... we say to him, and from Allah ta'ala is all success: This is a lying claim... and is takhsis without proof,

and that which is like this is batil, because of the statement of Allah ta'ala:

"And they say, "None will enter Paradise except one who is a Jew or a Christian." That is [merely] their wishful thinking, Say, "Produce your proof, if you should be truthful."" [Surah Al-Baqarah: 111]

so it is established that he has no proof for his claim, so he is not truthful in it.

...And if they say that they will not remain(until the Day of Resurrection), they have entered into something tremendous(evil) and they have claimed with certainty that much of the religion has been invalidated and tableegh(information being conveyed to people) has been dropped in many of the rulings, and that the clarification of Allah's messenger for much of the religion has disappeared and can never be found again, and this is what the Rawafidh say, rather it is worse than it, because the Rawafidh claimed that the truth of the religion is present with a person whose being in the world is guaranteed, while those other people have invalidated it and claimed it is not present with anyone in the world, and we seek refuge in Allah from both of these views.

And also, indeed Allah ta'ala said:

"Say, "My Lord has only forbidden immoralities - what is apparent of them and what is concealed - and sin, and oppression without right, and that you associate with Allah that for which He has not sent down authority, and that you say about Allah that which you do not know."" [Surah Al-A`râf: 33]

And Allah ta'ala said:

"They are not but [mere] names you have named them - you and your forefathers - for which Allah has sent down no authority. They follow not except assumption and what [their] souls desire, **and there has already come to them from their Lord guidance.**" [Surah An-Najm: 23]

and He, ta'ala, said:

"And they have thereof no knowledge. They follow not except assumption, and indeed, assumption avails not against the truth at all." [Surah An-Najm: 28]

And He, ta'ala, said, condemning a people:

"And when it was said, 'Indeed, the promise of Allah is truth and the Hour [is coming] - no doubt about it,' you said, 'We know not what is the Hour. We assume only assumption, and we are not convinced.'" [Surah Al-Jâthiyah: 32]

And Allah ta'ala said:

"Those who associated with Allah will say, 'If Allah had willed, we would not have associated [anything] and neither would our fathers, nor would we have prohibited anything.' Likewise did those before deny until they tasted Our punishment. Say, 'Do you have any knowledge that you can produce for us? You follow not except assumption, and you are not but falsifying.'" [Surah Al-An`âm: 148]

And it has been established that Allah ta'ala obligated upon us acting according to the khabar al wahid al thiqah narrated from trustworthy narrators until reaching Allah's messenger(sallallahu 'alayhi wa sallam), and that we say that Allah's messenger(sallallahu 'alayhi wa sallam) ordered such-and-such, and that he said such-and-such, and did such-and-such, and Allah forbade speaking about the religion with assumption, and He, ta'ala, forbade that we speak about Him without knowledge.

So if lies or delusion were possible in the khabar we have mentioned, then Allah ta'ala would have been ordering us to speak about Him with that which we do not know, and He would have been obligating upon us ruling in the religion using assumption which we are not certain of and which is falsehood which can never avail against the truth at all, and which is other than the guidance which has come to us from Allah ta'ala, and this is lies, fabrication and falsehood, which is not permissible to speak, and which Allah ta'ala forbade us from saying.

....

So it is proven with certainty that the narration we mentioned is truth... obligating both knowledge and action, and from Allah ta'ala is all success.

And everyone who claims that the khabar al wahid obligates action, yet is still an assumption whose truth is not absolutely certain, and does not obligate knowledge, then he is claiming that Allah ta'ala ordered us to say about Him, ta'ala, that which we have no knowledge of, and that we give ruling in our religion with assumption which He, ta'ala, has forbidden us to rule with in the religion, and this is tremendous(in evil).

And also, indeed Allah ta'ala says:

"Prohibited to you are dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah, and [those animals] killed by strangling or by a violent blow or by a head-long fall or by the goring of horns, and those from which a wild animal has eaten, except what you [are able to] slaughter [before its death], and those which are sacrificed on stone altars, and [prohibited is] that you seek decision through divining arrows. That is grave disobedience. This day those who disbelieve have despaired of [defeating] your religion; so fear them not, but fear Me. This day I have perfected for you your religion and completed My favor upon you and have approved for you Islam as religion. But whoever is forced by severe hunger with no inclination to sin - then indeed, Allah is Forgiving and Merciful." [Surah Al-Mâ'idah: 3]

And He, ta'ala, said:

"And whoever desires other than Islam as religion - never will it be accepted from him, and he, in the Hereafter, will be among the losers." [Surah Âl-'Imrân: 85]

And He, ta'ala, said:

"Indeed, the religion in the sight of Allah is Islam. And those who were given the Scripture did not differ except after knowledge had come to them - out of jealous animosity between themselves. And whoever disbelieves in the verses of Allah, then indeed, Allah is swift in [taking] account." [Surah Âl-'Imrân: 19]

And Allah ta'ala said:

"Mankind was [of] one religion [before their deviation]; then Allah sent the prophets as bringers of good tidings and warners and sent down with them the Scripture in truth to judge between

the people concerning that in which they differed. And none differed over the Scripture except those who were given it - after the clear proofs came to them - out of jealous animosity among themselves. And Allah guided those who believed to the truth concerning that over which they had differed, by His permission. And Allah guides whom He wills to a straight path." [Surah Al-Baqarah: 213]

Abu Muhammad said: We say to he who considers it possible for what Allah ta'ala ordered his Prophet('alayhissalam) with, of clarification of the sharia of Islam to us, to not be preserved, and that it is possible for it to have been changed and mixed with fabricated falsehood, a mixing which can never be told apart: "Inform us about Allah's perfecting of the religion and His approving Islam as religion for us and His prohibition of us accepting any religion other than Islam, are all of those remaining upon us and for us, until the Day of Resurrection, or was it only for the Sahaba, radi Allahu 'anhum, or neither for the sahaba nor for us?"

And they have no options to choose other than these. So if they say that it is not for the sahaba nor for us, the person who says this would be a disbeliever because of his denial of what Allah ta'ala said, and no Muslim says it.

And if they say: "Rather all of those are remaining for us and upon us until the Day of Resurrection," they have come to our view by necessity, and it is established that all of the rulings of Islam are complete, and the blessing upon us with that is complete, and that the religion of Islam which Allah ta'ala obligated upon us to follow because it is the religion in His, 'azza wa jal, sight, is distinguishable/distinguished from other religions which Allah ta'ala does not accept from any person, and that we, and all praise is to Allah, have been guided by Allah ta'ala to it, and that we are upon certainty that it is truth, and that what is other than it is falsehood, and this is a proof by necessity which is certain, upon that all that Allah's messenger(sallallahu 'alayhi wa sallam) said in the religion, and in clarification of what is obligatory on us, is preserved, and can never be mixed with something foreign.

And if they say: It was for the sahaba radi Allahu 'anhum, and not for us nor upon us, they would have said falsehood and done takhsis of the addressing of Allah, using a lying claim, if His(ta'ala) address in the verses we have mentioned is 'umum(general), for every Muslim forever,. And they would be forced with this tremendous evil to say that the religion of Islam is not complete with us, and that Allah ta'ala approved for us that which He did not give** to us, and obligated upon us that which we do not know where to find, and obligated upon us that which He did not reveal...

....

And we have been kept safe-and to Allah is all praise-from our religion becoming like the religion of the Jews and the Christians, about whom Allah informed us that they wrote the kitab and said it was from Allah.

[Chapter Regarding The Sahabi Acting In Opposition To The Narration, And Ahlul-Batil's Claiming Of Reasons For That]

Abu Muhammad said: And we found that a companion among the companions radi Allahu anhum could have been reached by a hadith, and interpreted it in a way that is different from its dhahir, and we find them, radi Allahu anhum, accepting and acknowledging that many of the sunan did not reach them, and along these lines is the famous hadith from Abu Hurayrah:

"Indeed business in the markets used to keep my brothers among the Muhajireen busy and my brothers among the Ansar were kept busy with looking after their property..."

.....

and Abu Bakr radi Allahu 'anhu did not know the obligation of the inheritance of the grandmother, while Muhammad bin Maslamah and al-Mughirah bin Shu'bah knew it,

and Abu Bakr radi Allahu anhu had asked A'ishah how much the shroud of Allah's messenger(sallallahu 'alayhi wa sallam) was, and in the hadith of isti'dhan, 'Umar radi Allahu 'anhu said that knowledge of Allah's messenger's(sallallahu 'alayhi wa sallam) order had been hidden from him, and that business in the marketplace had distracted him. And he had also not known about the order of imlas of a woman, while others knew about it,

and he became angry with Uaynah bin Hsn until al-Hurr bin Qays reminded him with the statement of Allah ta'ala:

خُذِ الْعَفْوَ وَأْمُرْ بِالْعُرْفِ وَأَعْرِضْ عَنِ الْجَاهِلِينَ

[Surah Al-A`râf: 199]

And the order of Allah's messenger(sallallahu 'alayhi wa sallam) to expel the Jews and Christians from the Arabian peninsula was also hidden from him, until the end of his cal iphate,

and it was also hidden to Abu Bakr radi Allahu 'anhu before him, for his entire cal iphate, and when the order reached Umar, he ordered for them to be expelled and did not leave a single one of them,

and the Prophet's('alayhissalam) order to not go into a place that has an epidemic was also not known to Umar, while 'Abdul-Rahman bin 'Awf knew of it, and Umar asked Abu Waqid al-Laythi about what Allah's messenger(sallallahu 'alayhi wa sallam) used to read in the Salah of al-Fitr and al-Adha, despite Allah's messenger(sallallahu 'alayhi wa sallam) having prayed them for many years,

and Umar did not know what to do with the Magians until 'Abdur-Rahman reminded him of the order of Allah's messenger(sallallahu 'alayhi wa sallam) regarding them, and he forgot that he('alayhissalam) accepted jizyah from the Magians of Bahrain, while it was a well-known matter,

....

and he forgot the order of the Prophet ('alayhissalam) for the junub person to perform tayammum, and he said that he is not to perform tayammum at all nor pray as long as he cannot find water, and 'Ammar reminded him regarding that.

And he wanted to divide* the wealth of the Ka'bah until Abu Bin Ka'b argued against him, using as proof that the Prophet(sallallahu 'alayhi wa sallam) did not do that, so he stopped,

and he used to turn back the women who menstruated and went forth before farewell to the house, until he was informed that Allah's messenger(sallallahu 'alayhi wa sallam) permitted that, so he stopped turning them back,

and he used to give preference between the blood monies of the fingers, until it reached him that the Prophet sallallahu 'alayhi wa sallam ordered for them to be treated equally in that, so he left his old view and took the view of treating them equally,

and he believed that the blood money is for the asabah only, until al-Dahhak bin Sufyan informed him that the Prophet(sallallahu 'alayhi wa sallam) would give the woman inheritance from the blood money, so Umar changed his view to that,

and he forbade giving high dowries to women, using the dowries the Prophet(sallallahu 'alayhi wa sallam) gave as proof, until a woman reminded him, so he took back his prohibition, and he wanted to stone an insane woman, until he was told of the statement of Allah's messenger(sallallahu 'alayhi wa sallam): "The pen has been lifted from three," so he ordered that she not be stoned,

and he ordered for the mawlah of Hatib to be stoned, until Uthman reminded him that there is no hadd upon the ignorant one, so he stopped the order to stone her,

and he rebuked Hassan for singing in the mosque, so he and Abu Hurayrah informed him that he had sang there in the presence of Allah's messenger(sallallahu 'alayhi wa sallam), and Umar stayed silent.

And the obligation of ghusl from ilaj(penetration of the glans)illa an yakun anzal had been unknown to the ansar and the muhajireen like Uthman and Ali and Talhah and Zubayr and Hafsa, mother of the believers,

....

and the abrogation of wudu from that which touched fire(i.e eating cooked food) was unknown to Aisha, Umm Habibah, mothers of the believers, and to ibn Umar, Abu Hurayrah, Abu Musa, Zayd bin Thabit, Sa'id bin al-Musayyib, and the rest of the famous scholars of Madinah, and other than them....

Muhammad bin Sa'id narrated to us from Ahmad*>Qasim bin Asbagh>Muhammad bin 'Abd as-Salam al-Khshni>Muhammad bin al-Muthanna>'Abdur-Rahman bin Mahdi>Sakhr bin Juwayriyah>'Amir bin Abdullah bin al-Zubayr that 'Abdur-Rahman bin Aswad

said he was sitting with Abu B'rfa and ibn al-Zubayr, addressing the people. Ibn al-Zubayr said: Indeed this is a day of takbir and tahmid and tahlil, so perform takbir of Allah, and praise of Him, and tahlil. So Abu Yajis stood up until he intaha to him, so he turned to him. He said: I testify that I heard Umar bin al-Khattab performing talbiyah upon this minbar. So ibn al-Zubayr loudly said: "Labbayk Allahumma labbayk."

Abu Muhammad said: So as you see, this had been unknown to ibn al-Zubayr and other than him, while being a well-known narration from the Prophet(sallallahu 'alayhi wa sallam).

And Umar had forbidden that one should be named with the names of prophets, while seeing Muhammad bin Maslamah coming and going, and he is one of the great sahabah. And he would see Abu Ayyub al-Ansari and Abu Musa al-Ash'ari, and those two were not known except by their kunyahs, from the sahabah. And he would see Muhammad bin Abu Bakr al-Siddiq, who was born while Allah's messenger(sallallahu 'alayhi wa sallam) was present, and in the Farewell Hajj, and his mother sought a fatwa from the Prophet when she gave birth to Muhammad(his child), regarding what she should do in her ihram while she was in nifās, and he had known for certain that the Prophet(sallallahu 'alayhi wa sallam) knew the names and kunyahs of those we have mentioned, with no doubt, and he accepted them, and called them by them, and did not change them at all.

So when Talhah and Suhayb informed him that the Prophet(sallallahu 'alayhi wa sallam) allowed that, he stopped forbidding it.

And this is Uthman, radi Allahu anhu, they had narrated about him that he sent to al-Fri'a, the sister of Abu Sa'id al-Khudri, asking her about what Allah's messenger(sallallahu 'alayhi wa sallam) gave her as fatwa regarding her iddah, and that he accepted that. And he ordered for a woman who had given birth after six months to be stoned, so Ali reminded him with the Qur'an, and that pregnancy could be six months, so Uthman went back against the order to stone her. And here is Ali, may the pleasure of Allah be upon him, acknowledging that many of the sahabah used to narrate to him that which he had not heard from the Prophet(sallallahu 'alayhi wa sallam).

And that he would ask them to swear as to the truthfulness of it, except Abu Bakr; he would not ask him to swear. And that Allah benefited him with what He willed to benefit him with, from what he heard of that, of things which he had not heard before. And this is Talhah, allowing gold for silver, out of forgetting, until Umar reminded him. And here are ibn Umar and ibn Abbas, selling the dirham for two dirhams, until they were reminded, so they ceased doing so.

Then ibn Umar narrated it from Abu Sa'id al-Khudri, from the Prophet(sallallahu 'alayhi wa sallam), and Muslim* mentioned it. So ibn Umar returned to that and left his opinion. Then ibn Umar narrated it and said: "This is the command of our Prophet to us."

So this is how we treat the matter of all instances in which a sahabi is narrated to have acted against a narration which he narrated...

....

And he who claims something other than what we have said, then he puts the sahaba under one of two conditions...

while Allah ta'ala had given all of them refuge from being led astray and fisq, and they are: Either openly opposing the Prophet(sallallahu 'alayhi wa sallam)-and this is not permissible for anyone, and it is not permissible to think this of them- or else that they had knowledge which obligated them to oppose that which they narrated. But they would not be allowed* to be conceal it from us, and narrate that which is abrogated, and hide the abrogating narration from us, and this attribute is kufr from the one who does it, and deception regarding the religion, and no one attributes this to them except one whose heart is deviant, or one who is ignorant and whose heart is blind. So their corrupt assumption is invalidated,

and our view is proven correct, and all praise is to Allah, the Lord of the worlds. And there is no third option at all, except that they forgot at that time, what they had narrated before then, for this is possible as well.

And if they had performed ta'wil, then ta'wil from them is assumption, while their narration from the Prophet(sallallahu 'alayhi wa sallam) is certainty, and it is not permissible for a Muslim

to leave aside certainty in favor of assumption. So anything problematic here is lifted as a whole, and all praise is to Allah, the Lord of the worlds.

And as for those sahabah, may the pleasure of Allah be upon them, they are excused, because it was ijtiḥad from them. And besides this, those instances from them are very little, while those who perform taqlid of them after being made aware of what we have mentioned are not like that.

And here are A'ishah and Abu Hurayrah, may Allah be pleased with them; the ruling of wiping on the khuffayn was unknown to them, and to ibn Umar along with them, and Jarir knew it, while he did not accept Islam except months after the passing of the Prophet(sallallahu 'alayhi wa sallam).

And A'ishah acknowledged that she had no knowledge of it, and she ordered that he who it was hoped would have knowledge of it should be asked, that being* Ali, radi Allahu 'anhu.

And this is Hafsah, mother of the believers, she was asked about intercourse in which he who performs it becomes junub, is there ghusl due on it or not? She said that she had no knowledge of it.

وهذه حفصة أم المؤمنين سئلت عن الوطء يجنب فيه الواطئ أفیه غسل أم لا فقالت لا علم لي

.....

And the permitting of the Prophet(sallallahu 'alayhi wa sallam) of the menstruating woman to go forth was unknown to Zayd bin Thabit, ibn Umar, and the majority of the people of Madinah, until ibn Abbas and Umm Sulaym taught it to them, so they went back on their old view.

.....

And the ruling of performing wudu' after touching the male private part was unknown to Abdullah bin Umar, until Busrah bint Safwan ordered him to do that, narrating it from the Prophet(sallallahu 'alayhi wa sallam), so he accepted that.

And the prohibition of mut'ah and the prohibition of domestic donkeys were unknown to ibn Abbas, until Ali radi Allahu anhu brought it to his awareness. **And ibn Abbas said: Do you(plural) not fear that Allah would cause the earth to swallow you? I say "Allah's messenger(sallallahu 'alayhi wa sallam) said..." and you say: "Abu Bakr and Umar said..."**

And here are the Ansar, having forgotten the Prophet's(alayhissalam) saying: "The imams are from Quraysh," and Anas had narrated it and Ubadah bin al-Samit had narrated that which was evidence for that, and they would not leave their ijtiḥad except for an order which reached them from the Prophet(sallallahu 'alayhi wa sallam).

And this is Abu Hurayrah, mentioning that they, may the pleasure of Allah be upon them, used to be kept busy with their property and businesses*, and that he used to accompany Allah's messenger(sallallahu 'alayhi wa sallam) and be present at times when they were not present. And we have mentioned this ḥadith in the section on ijma' in this diwan of ours, in a chapter whose tarjmaḥ is invalidation of the saying of he who says that if the majority agrees upon a saying and one person disagrees with them, then his saying is not to be paid any attention.

Excerpts On Why The Mursal Ḥadith Is Not Proof

Abu Muhammad said: The mursal of ḥadith, which is when one or more narrators is dropped between its narrators and the Prophet(sallallahu 'alayhi wa sallam), and it is the munqati' also,

and it is not accepted and cannot be used as proof(hujjah is not established with it), because it is narrated from an unknown person and we have said previously that he whose state we do not know, then it is obligatory upon us to perform tawaqquf on accepting his narration and accepting his testimony until we know his state.

And it does not matter if the narrator who is trustworthy said that a trustworthy person narrated to us or if he did not say it, it is not obligatory to pay attention to that, if he could have been trustworthy according to him yet the narrator did not know of something which made him not trustworthy, which someone other than him knows, and we have said previously that jarh(considering a narrator untrustworthy) takes precedence over ta'deel(considering them trustworthy).

And Sufyan had considered Jabir al-J'fi trustworthy, while Jabir had lies, fisq, evil, and leaving from Islam that which he was known for, but his matter had been unknown to Sufyan, so Sufyan spoke according to what was apparent to him. And the mursals of Sa'id bin al-Musayyib* and the mursal of al-Hasan al-Basri are equal, nothing at all is taken from it.

And some of those whose opinion is not reality said that al-Hasan al-Basri used to, إذا حدثه بالحديث, أربعة من الصحابة أرسله. That person said: So it is stronger than the musnad.

Abu Muhammad said: And the person who says this, is the most leaving of Allah's creation, of the mursal of al-Hasan, and it is sufficient for you as dropping of a person, that he weakens a saying he believes and acts according to, and strengthens a saying which he leaves off and refuses.

And a man had tawajjah from Allah's messenger(sallallahu 'alayhi wa sallam) to a people among those neighboring Madinah, and told them that Allah's messenger(sallallahu 'alayhi wa sallam) had ordered him to marry a woman among them. So they sent to the Prophet(sallallahu 'alayhi wa sallam) someone who informed him of that. So Allah's messenger(sallallahu 'alayhi wa sallam) directed a messenger to him, ordering for him to be killed if he finds him alive. He found him dead. So this person, as you can see, had lied upon the Prophet(sallallahu 'alayhi wa sallam),

while the Prophet was alive. And during the time of the companions, radi Allahu 'anhum, there were munāfiqūn and murtaddūn.

So a hadith whose narrator says that it is from a man among the sahabah or "one who accompanied Allah's messenger informed me," is not to be accepted until he names him and the person is known for virtuous companionship, of those for whom Allah testified to their virtue and goodness.

Allah 'azza wa jal said:

"And among those around you of the bedouins are hypocrites, and [also] from the people of Madinah. They have become accustomed to hypocrisy. You, [O Muhammad], do not know them, [but] We know them. We will punish them twice [in this world]; then they will be returned to a great punishment." [Surah At-Tawbah: 101]

And some people had apostatized, of those who had accompanied the Prophet(sallallahu 'alayhi wa sallam) like Uyaynah bin Hsn and al-Ash'ath bin Qays, and al-rjal and Abdullah bin Abi Srh. Ali said: And a tabi' meeting one of the asaghir of the companions is an honor and great pride, so why would he stay silent on naming him if he was of those whose companionship was praised? And his staying silent can only be for two reasons: Either that he does not know his identity and does not know the authenticity of his claim of companionship, or because he was something of what we have mentioned.

[Chapter: Full Explanation Regarding Contradiction Of The Texts]

Ali said: And some of our companions took the view of leaving both of the ahadith if one of them showed prohibition and another showed permissibility, or if one of them showed

obligation and the other showed dropping[the obligation], he said, so in that case, we would return to what we would have been upon if both of those ahadith had not been narrated.

Ali said: And this is an error for multiple reasons, one of them being that we have become certain that ahadith do not contradict, because of what we have shown before of the statement of Allah ta'ala: "Then do they not reflect upon the Qur'an? If it had been from [any] other than Allah , they would have found within it much contradiction."(Surat an-Nisa': 42), along with His, ta'ala, informing us that all that the Prophet(sallallahu 'alayhi wa sallam) said is revelation, so it is impossible for there to be any contradiction at all in anything of the texts, and if the concept of contradiction in them is invalid, then the ruling which contradiction would necessitate is also invalidated, if everything whose reason is invalidated, then what the reason causes is also invalid by necessity of sensing and witnessing, and the second is that they leave both of the texts,

while the truth is in one of them without doubt, so if they leave both of them, then they have left the truth, with certainty, in one of them, and it is not permissible for anyone to leave that which is certain truth, at all, and the third reason is that they do not do so with two verses of which one is prohibiting and another is permitting, or one obligating and another denying, rather they take the hukm al-za'id, and they do istithna' of the lesser from the more, and we have previously made clear that there is no difference between the obligation of that which is in the Qur'an and the obligation of that which came of the speech of the Prophet(sallallahu 'alayhi wa sallam). Ali said: And their argument in that was that they said: Indeed, one of those texts is undoubtedly abrogated, and we do not know which one with certainty, so when we do not* know it it is not permissible for us to put another text before it without knowledge, as that would fall under what Allah prohibited in His statement: "And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart - about all those [one] will be questioned."(Surat al-Isra': 36)

Ali said: And this is a corrupt argument for two reasons, one of them being that they would then have to treat the verses in the same way, according to their logic, and they do not do that, and the second is that it is not permissible to say of a narration or verse that it is abrogated, unless with certainty.

Ali said: And sufficient as invalidation of this argument of theirs is that we are certain that the hukm which is additional to the ma'hud of the asl, lifts what the people used to be upon before it was narrated, so it is what abrogates, with no doubt, and we are upon doubt regarding whether the abrogation of that ruling with another ruling returns us to what we used to be upon or not, so it is haram to leave certainty for doubts, and from Allah ta'ala is all success.

Ali said: And the mind of Abu Bakr Muhammad bin Dawud(Dawud al-Zahiri's son) rahimahullah wavered to what we have said, except that he, rahimahullah, ikhtaram before giving it full thought, and that is that he said in the book al-Wusul: "And what we do with two contradicting narrations is like what we do with two contradicting verses, with no difference."

Ali said: And some of the people of qiyas said: We take the narration which most closely resembles the Book and the Sunnah.

Ali said: And this is invalid, because that which they refer the ruling of these texts to is not more deserving to be followed than the two texts,* rather all of the texts are equal in the obligation of accepting them and obeying them, so if that is proven with certainty, then what is it that causes some of them to be rejected, and some of them to be referred to, and what obligated that some of them are asl and some of them are far', and some of them hakim and some of them mahkum feehi?

So if he says: The ikhtilaf regarding these two texts is what caused their degree to become lower such that their matter is referred to other texts:

Ali said: And this is a claim which lacks proof, because ikhtilaf does not necessitate that those texts be compared with other texts, because ikhtilaf is batil. So their assumption that it is ikhtilaf is a corrupt assumption, invalidated by the statement of Allah ta'ala: "Then do they not reflect upon the Qur'an? If it had been from [any] other than Allah , they would have found within it much contradiction."(Surat an-Nisa': 42). So if Allah ta'ala has invalidated the ikhtilaf which they claimed as a reason for comparing the two hadiths to a different sunnah or a different verse, then by necessity, what is resulted from it must also be invalidated, that being their claim that it is to be compared, and this is a proof by necessity, and from Allah ta'ala is all success.

Ali said: And if all the texts are equal from the angle of being obligatory to accept, then it is not permissible to claim one of them to be stronger because* of another, and that is using teeb an-nafs, which is what istihsan is, which is batil. And some of them have condemned it from each other.

Ali said: And some of the companions of qiyas have weighed between the texts, trying to find which one is stronger than the other(i.e performing tarjih), with corrupt tarjihat, we will mention them if Allah ta'ala wills, and we will make clear their error, with the Hawl and Quwwah of Allah ta'ala. So of that issue is that they said: If one of the texts is acted upon and the other is not acted upon, then we do tarjih with that text which is acted upon over the text which is not acted upon.

Ali said: And this is batil, because of what we will mention, if Allah ta'ala wills, after this, in a chapter which contains the invalidation of those who use the actions of the people of Madinah as proof, except that here we say as a whole, a narration, before it is acted upon, can only be either obligatory truth, or falsehood. So if it is falsehood, then people acting upon it does not increase it in strength because it cannot be a truth more deserving than another truth by being a truth, and if it is falsehood then acting upon a falsehood does not make it true.

Ali said: And some of them argued for the obligation of tarjih of one of the narrations above another, and he said: As we do tarjih of one of the bayyinahs above the other, if they contradict, once by the qur'ah and once by the hand.

Ali said: And this is contrasting the error onto the error, and we do not assist them in tarjih of a bayyinah onto another, neither by yadd nor by qur'ah, because no scripture or ijma' obligates that, and also, even if tarjih of one of the bayyinahs over the other were correct, that would not be permissible with two hadiths, because this is qiyas, and qiyas is falsehood.

And also, even if tarjih of one of the bayyinahs over another were correct, and qiyas were correct, tarjih of one of the hadiths above the other would not be permissible because ikhtilaf in two hadiths is falsehood, and ta'arudh from them is rejected, due to what we have mentioned of the statement of Allah ta'ala: "Then do they not reflect upon the Qur'an? If it had been from [any] other than Allah , they would have found within it much contradiction."(Surat an-Nisa': 42),

and by His, ta'ala, informing us that the speech of His prophet(sallallahu 'alayhi wa sallam) is all revelation, and as for two bayyinahs, contradiction within them is present, and ikhtilaf in them is possible.

Chapter 12

فصل في ورود الأمر بلفظ خطاب الذكور

On Orders And Prohibitions in The Quran And The Speech Of The Prophet (Sallallahu Alayhi Wa Sallam), And Taking Them Upon Their Dhahir, And As Immediate Obligations, And The Invalidity Of The View Of Those Who Move Any Part Of That To Ta'wil Or Delaying Or Recommendation(As Opposed To Obligation) Or Waqf, With No Proof Or Evidence

Abu Muhammad said: What is understood from an order, is that the one giving the order wanted what he ordered to occur, and obligated upon the ordered one to follow that order. And some of the Hanafis and Malikis and Shafi'is said that the orders of the Quran and Sunan, and their prohibitions, are upon waqf, until there is proof to take them according to either obligation in action, or prohibition, or according to recommendation, or permissibility, or being makruh.

And some of those among the groups we have mentioned, and all of the companions of the Dhahir, have taken the view that all of that is considered obligation in prohibition or action, until a proof is established for something of that to mean recommendation or dislike or permissibility only, and then that is the meaning which would be accepted.

Ali said: And nothing other than this is permissible, and we, if Allah ta'ala wills, will mention what our opponents opposed us with, and the invalidity of their rioting, with the correct proofs, then we will mention the evidences for the validity of our view, and from Allah ta'ala is all success.

Ali said: The basis of what they obfuscated with, is that they said: If the phrasing of commanding is a location* for obligation, then it would always be like that, but when we have found-and you don't disagree on this either-that orders exist whose meaning is recommendation or permitting, and we have found prohibitions, whose meaning-and you don't disagree on this either- is dislikedness(being makruh),

it becomes necessary to not move the meaning of the phrases to something it could possibly mean out of meanings, excluding other meanings, unless there is evidence to do so.

They said: And phrasing of commands, according to us, is among the shared phrases, from which a single meaning cannot be specified, rather it is at the position of words like "eer", "rijl", "lawn", and "ayn", so when you say rijl, the meaning is not more deserving of meaning a limb, rather than a group of locusts, and when you say eer, it is not more deserving of meaning donkey rather than the bone that is in the foot, and when you say ayn it is not more deserving of meaning yameen ayn an nadhr, rather than a spring of water, and if you say lawn, it is not more deserving of meaning redness rather than whiteness,

so likewise, when a person says: "Do..." since it is found that it is sometimes used to mean recommendation and sometimes used to mean obligation, then it is not more deserving of meaning obligation rather than recommendation, except if there is evidence for that.

Ali said: This is corrupt rioting, and we say, and from Allah ta'ala is all success, that everything which has width or body has a name specific to it, with which it is distinguished from things other than it, so that mutual understanding can occur, and so the one who hears it who is being addressed can know what the speaker addressing him meant,

and if it had not been so, then there would never have been any mutual understanding, and the address of Allah ta'ala to us would have been invalidated,

and Allah ta'ala has said:

"And We did not send any messenger except [speaking] in the language of his people to state clearly for them, and Allah sends astray [thereby] whom He wills and guides whom He wills. And He is the Exalted in Might, the Wise." [Surah Ibrâhîm: 4]

and if every meaning did not have a name specific to it, then clarification would never be possible, because confusion of meanings is the peak of problematicness, so then, the basis is what we have mentioned, by necessity of intellect and from the text of the Quran.

Then we found that the language contains some things of those which they mentioned, of names which can fall upon multiple meanings, and we have also found names for which there is only one meaning*,

and we have known that the purpose of language is to make people understand, not to be problematic,

we must abide by the principle which is specifying every meaning with its name, without it sharing with others, until it is proven to us that this name is

used in a different way than this usage and that clarification does not occur by it, so then its clarification would be sought out from other than it

Ali said: And what they considered orders similar to, of shared names which they mentioned, like lawn(color), eer, and rijl, are a corrupt similitude by necessity, and that is that if the addressed person addresses us with a certain narration

on rijl or lawn, or ordered us with an order regarding that, then it is possible to take his narration and order according to everything which what he mentioned includes*

like if he says do not eat eeran, so everything upon which the name eer falls would be avoided, even if its types differ, and likewise the statement of Allah ta'ala:

"And it is He who sends down rain from the sky, and We produce thereby the growth of all things. We produce from it greenery from which We produce grains arranged in layers. And from the palm trees - of its emerging fruit are clusters hanging low. And [We produce] gardens of grapevines and olives and pomegranates, similar yet varied. Look at [each of] its fruit when it yields and [at] its ripening. Indeed in that are signs for a people who believe."

[Surah Al-An`âm: 99]

وَهُوَ الَّذِي أَنْزَلَ مِنَ السَّمَاءِ مَاءً فَأَخْرَجْنَا بِهِ نَبَاتَ كُلِّ شَيْءٍ فَأَخْرَجْنَا مِنْهُ خَضِرًا نُخْرِجُ مِنْهُ حَبًّا مُتَرَاكِبًا وَمِمَّنْ الْنَّخْلُ مِنْ طَلْعِهَا قِنْوَانٌ دَانِيَةٌ { وَجَنَّاتٌ مِّنْ أَعْنَابٍ وَالزَّيْتُونَ وَالرُّمَّانَ مُشْتَبِهًا وَغَيْرَ مُتَشَبِهٍ أَنْظَرُوا إِلَى ثَمَرِهِ إِذَا أَثْمَرَ وَيَنْعِهِ إِنَّ فِي ذَلِكُمْ لَآيَاتٍ لِّقَوْمٍ يُؤْمِنُونَ }

and that would apply to every fruit even if its types differ, and likewise the saying of someone: al hawa' la lawna lahu, then by that he has denied for it whiteness and redness and blackness and greenness and yellowness, so the benefit of addressing with these names is still there*, and mutual understanding is possible, and taking it according to what it includes is permissible and good, unless there is evidence for specifying some of what falls under it, and then that would be accepted

and this is not possible with the orders which they wanted to treat the same as the names which we mentioned, because if it said to us: "Do..." and it is possible for this phrase to mean both obligation or recommendation or permissibility,

so there is no way in the structure of nature to interpret it with all the interpretations which we have mentioned, if by necessity it is impossible for something to be both obligatory and permissible to not do, at the same time, for a single person, this is something impossible which cannot happen, so their treating it the same is invalidate

and it is proven that if an order is like how they mentioned then it would not be possible to be followed ever, and if that were so, then commanding would all be invalidated by necessity, and if Allah 'azza wa jal giving commands has been proven, and takhatub with commands in the language between the people has been proven, we know that it is not possible for Allah ta'ala to address us with that which is impossible to follow

and with impossible things which we are not capable of, and it is proven that a specified meaning is meant by this phrase and structure, and that is nothing except the being of what the ordered person was addressed with, and from Allah ta'ala is all success.

Ali said: And only that which they mentioned, that they have found orders whose meaning is recommendation, then they have spoken the truth, and the wajh in that is that we have found phrases in the language which have moved from their typical meaning and from their location in the tongue, and have been connected to other things, the Creator of the language did so, and its people who arranged it, as He, 'azza wa jal, willed, or some of the people of the language did in that, or made in that two mustalahs in what is between them, like how Allah ta'ala moved the name of salah from its place

in the language, of meaning du'a', to facing the ka'bah and standing and ruku' and sujud and sitting with certain attributes which cannot be transgressed, and how He, ta'ala, moved the name of siyam, from wuquf, to avoidance of eating and drinking and intercourse in known days, and how He moved the name of kufr from "covering", to certain statements and known intentions,

so if we have found that that is obligated upon us if evidence is shown that a certain phrase has been moved from its place in the language and was organized in a different place, that

we believe that, and as for if no evidence was established for its moving, then there is no way to move it from its place at all, and some of those mutakallimeen who corrupt realities with that which cannot be comprehended said:

"This is not moving it, rather moving is that which could not have stayed with the meaning it was moved from."

Ali said: And this is tahakkum* which the people of language do not know of...

...

Excerpt On Refuting An Argument That Orders Must Have Tawaqquf Done On Them Before One Can Be Sure That It Is An Obligation Rather Than Recommendation

Ali said: And there is no difference at all between what we have forced them into with their logic, of tawaqquf on every ayah and hadith because of the existence of abrogated ayat and ahadith, and between what they adhered to of tawaqquf on every order because of some orders existing whose meaning is recommendation. Rather it is exactly that, we do not even say that it is like it, rather we say it is the same exact thing. And the explanation of that is that what is abrogated is what is not obligatory to use, or is permissible to use, and what is recommended is also not obligatory to use, so we have gathered on dropping the obligation of using, an equal gathering, and we have only separated in that what is recommended is permissible to use, while what is abrogated is not permissible to use in some cases only so their obfuscation is proven invalid-and from Allah ta'ala is all success- by their acceptance that the existence of phrases which are moved from their original meaning in the language does not make it possible to do tawaqquf in all the rest of the phrases out of fear that they have been moved from their places, so the istidlal that they wanted to prove true is thus invalidated, and from Allah ta'ala is all success. Furthermore, indeed the phrase "or" and the phrase "if you will," what is understood from them is giving someone a choice, and neither we nor they differ on this, nor all of the people of the language.

And we have found that Allah ta'ala said: "And say, "The truth is from your Lord, so whoever wills - let him believe; and whoever wills - let him disbelieve." Indeed, We have prepared for the wrongdoers a fire whose walls will surround them. And if they call for relief, they will be relieved with water like murky oil, which scalds [their] faces. Wretched is the drink, and evil is the resting place." [Surah Al-Kahf: 29]

وَقُلِ الْحَقُّ مِنْ رَبِّكُمْ فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيُكْفُرْ إِنَّا أَعْتَدْنَا لِلظَّالِمِينَ نَارًا أَحَاطَ بِهِمْ سُرَادِقُهَا وَإِنْ يَسْتَغِيثُوا يُغَاثُوا بِمَاءٍ كَالْمُهْلِ يَشْوِي {
{ الْوُجُوهُ بِئْسَ الشَّرَابُ وَسَاءَتْ مُرْتَفَقًا }

We find Him, ta'ala, saying: "Say, "Be you stones or iron..." [Surah Al-Isrâ': 50]

سمعناه تعالى يقول { قُلْ كُونُوا حِجَارَةً أَوْ حَدِيدًا

We find that proof-based evidence has been established, that the meaning of those two ayahs has been moved from giving someone a choice to a different meaning, so according to those people's corrupt evidence, they would have to never consider the phrase "or" or the phrase "if you will" to mean giving someone a choice, because one could say to them the same thing they say, if the phrases "or" and "if you will" mean giving someone a choice, then when they are found they would not be except for that, so when they are found used for a meaning other than giving someone a choice, in a number of places, that disproves that it is for giving someone a choice. Ali said: And this is invalidation of all speech, and invalidation of mutual understanding, and corruption of the truth and of all the rulings, and of all sciences, because there exists no saying except that it is found in a location other than its original one in the language, either by metaphor or agreement between those who are addressed, so if that obligates taking names according to their meanings which they are arranged with in the language then everything which we mentioned would be invalidated, and sufficient as corruption is every statement which leads to invalidation of reality, and from Allah ta'ala is all success.

Excerpt On The Obligation For Women To Seek Knowledge And Command Good And Forbid Evil, And Women Being Included In The Male Plural Linguistic Address

So if they say: Then make ji-h ad obligatory on women, then we say, and from Allah ta'ala is all success, if not for the saying of Allah's messenger(sallallahu 'alayhi wa sallam) to 'A'ishah, when she asked permission from him to go for fighting, "For you(women), the best of ji-h ad is an accepted Hajj," fighting would have been obligatory upon them, however, because of this hadith, we know that it is only encouraged for women and not obligatory because he('alayhissalam) did not forbid her from that, but informed her that Hajj for them is better than it,.

And of what clarifies the truth of what we say is that 'A'ishah, and she is a hujjah in the language, when she heard the command for fighting, she interpreted it as meaning that women enter into that obligation, until the Prophet(sallallahu 'alayhi wa sallam) made clear to her that it is a recommendation for them, not obligatory, and that Hajj is better for them than it, and we do not reject the changing of a word from its meaning in the language if there is a proof to do that from a text or ijma' or natural necessity which shows that it is to be changed from its normal meaning, and only the claim of those who change words from their meanings without an evidence is invalidated.

So the Prophet(sallallahu 'alayhi wa sallam) did not disapprove of her interpreting the phrasing of addressing males as general phrasing including women in that, and this is sufficient for he who can comprehend. **So if they say: Then make it obligatory on them(women) to go forth to become knowledgeable in the religion, and to command good and forbid evil. Then we say, and from Allah ta'ala is all success: Yes, this is obligatory upon them, just like it is obligatory upon men, and it is obligatory for every woman to become knowledgeable in what is specific to her, just like that is obligatory on men, so it is obligatory on she who has wealth of them, to know the rulings of zakah, and it is obligatory on them, all of them, to know the rulings of taharah and salah and fasting and what is permissible and impermissible of food and drink and clothing and**

other than that, like it is upon men, with no difference. And if a woman became knowledgeable in the sciences of the religion, it would be obligatory upon us to accept her warning.

And that has happened in reality, for those wives of the Prophet(sallallahu ‘alayhi wa sallam) and companions, rulings of the religion have been transmitted from them and proof has been established from their narration and there is no differing among our companions and all of the people of our creed in that. From them, besides his(‘alayhissalam) wives, are Umm Sulaym, Umm Haram, Umm ‘Atiyyah, Umm Karaz, Umm Sharik, Umm ad-Darda’, Umm Khalid, Asma’ bint Abi Bakr, Fatimah bint Qays, Yusras, and other than them, then among the tabi’een are ‘Amrah, Umm al-Hasan, al-Rubab, Fatimah bint al-Mundhir, Hind al Firasiyyah, Habibah bint Maysarah, Hafsa bint Sirin, and other than them

Chapter: Taking Orders and Narrations Upon Their Dhahir

68

قال علي ذهب قوم ممن بلح عندما أراد من نصر ما لم يأذن الله تعالى بنصره من التقليد الفاسد واتباع الهوى المضل إلى أن

...they said: We do not take phrases of orders and informing upon their dhahir, rather they are upon waqf.

And some of them, whose name is Bakr البشري, said that the Khawarij were only led astray due to their interpreting the Quran upon its dhahir.

And some of them also argued saying that when we have found that there are some phrases which are moved from their dhahir meaning, and have found that when a person says "You are generous" and "You are beautiful", it could be meant as mocking while his intent is to say "You are ugly" and "You are evil", we have known that phrases do not express the meanings inherently.

Ali said: That is everything which they obfuscated with, and those people are true sophists, with no doubt. And everyone with an intellect knows that Allah 'azza wa jal only arranged languages so that clarification could happen by them, and languages are nothing other than phrases assembled on the clear meanings of what they name.

Allah ta'ala said:

"And We did not send any messenger except [speaking] in the language of his people to state clearly for them, and Allāh sends astray [thereby] whom He wills and guides whom He wills. And He is the Exalted in Might, the Wise." [Surah Ibrâhîm: 4]

And tongue(lisan) is language, with no differing in this. So if speech was not clear upon its meanings, then what thing would those people who have been abandoned* by their Lord ta'ala and by their prophet(sallallahu 'alayhi wa sallam) understand,

rather with what thing would they understand each other? And it is said to them: If what you have said is possible, then how would we know what you want to say with this speech of yours, and what if you mean something else by it other than that which is apparent from it, and what if you truly mean to say the opposite of what you have claimed to be true by the apparent? So whatever they answer with, it is binding upon them in the great thing they have brought of absurdity, and those are a people who have invalidated all realities as a whole, and declared understanding to be completely impossible.

So speech with them would have been (mere) tiresomeness, if not for the huge amount of people among the weak ones who have been deceived by them, and Allah's messenger (sallallahu alayhi wa sallam) spoke the truth when he warned of people taking ignorant leaders who are astray and lead people astray,

and as for the saying of Bakr that the Khawarij only went astray by following the dhahir, then he has lied and fabricated and made up and sinned; they did not go astray except with the likes of what he went astray with, of using certain ayat and leaving aside other than them, and they left aside the clarification of he who was ordered by Allah 'azza wa jal to clarify to the people what was revealed to them, just as Bakr also left it aside, and that person is Allah's messenger(sallallahu alayhi wa sallam).

And if they had gathered all of the ayat of the Qur'an and the speech of the Prophet(sallallahu alayhi wa sallam), and considered it all to be binding and a single ruling, and all of it to be followed, then they would have been guided.

In addition to this, the khawarij are more deserving of excuse than him and less astray because they did not consider it obligatory to accept the khabar al wahid, while as for him, he considers it obligatory to accept as obligation, then on top of that he insisted* on his disobedience being permissible.

And the correct saying here is that the Rawafidh were only misguided by leaving aside the dhahir and following what Bakr and his likes followed, of taqlid and speaking according to desires, without knowledge or guidance from Allah 'azza wa jal, nor any authority nor any proof.

The Rawafidh said regarding the ayah:

"And [recall] when Moses said to his people, Indeed, Allāh commands you to slaughter a cow. They said, Do you take us in ridicule? He said, I seek refuge in Allāh from being among the ignorant." [Surah Al-Baqarah: 67]

that it is not to be taken upon its dhahir and that Allah ta'ala did not mean a cow at all and that rather it is Aisha(radi Allahu ta'ala anha and may He curse those who عققها),

and they said jibt and taghut are not upon their dhahir, rather that they refer to Abu Bakr and Umar(may the pleasure of Allah be upon them and may He curse those who سبهما)

.....

Ali said: And those people are to be asked: Are those phrases built upon meanings expressed with them excluding other than them, or not? If they say no, then the possibility of speech with them has been dropped, and it would be binding that we could not understand a thing from them, if their speech does not point to any meaning and their phrases do not express any reality. And if they say yes, then they have left their corrupt view.

And everything we have applied to those who had the view of waqf in orders, also applies to those people, and upon those, something additional applies, which is invalidation of all speech, from its first to its last, and likewise what applies to those who claim waqf in umum also applies to those people, and we will mention it in its chapter if Allah ta'ala wills, and there is no power or strength except with Allah.

So if they say: How do you tell when speech is moved from its apparent meaning? It is said to them- and from Allah ta'ala is all success- we come to know that from a different dhahir, which informs of that, or by a sure consensus brought from Allah's messenger(sallallahu alayhi wa sallam), and upon that it is moved from its apparent meaning only,

and we will clarify that in the end of the chapter on speech about umum and khusus if Allah 'azza wa jal wills, and from Allah ta'ala is all success.

And Allah ta'ala has refuted this astray group, by His('azza wa jal) saying, in condemnation of a group who moved speech from its place:

"And [recall] when We took your covenant and raised over you the mount, [saying], Take what We have given you with determination and listen. They said [instead], We hear and disobey. And their hearts absorbed [the worship of] the calf because of their disbelief. Say, How wretched is that which your faith enjoins upon you, if you should be believers." [Surah Al-Baqarah: 93]

There is no clarification clearer than this ayah, in that it is not permissible to move a word from its place in the language, nor to distort them from their proper usages in the language, and that he who does so is a disobedient fasiq deserving of blame, after hearing what Allah ta'ala said.

Allah 'azza wa jal said:

"Thus, [O Muḥammad], We relate to you from the news of what has preceded. And We have certainly given you from Us a message [i.e., the Qur'ān].

Whoever turns away from it - then indeed, he will bear on the Day of Resurrection a burden [i.e., great sin]" [Surah Tâ-hâ: 99-100]

So it is proven that everyone who leaves the dhahir of the revelation, all of it, has turned away from it, and turned* to an interpretation which has no evidence.

....

And Allah ta'ala said: "O you who have believed, say not [to Allāh's Messenger], Rā 'inā but say, Unḡurnā and listen. And for the disbelievers is a painful punishment." [Surah Al-Baqarah: 104]

So it is established that following the dhahir is obligatory, and that it is not permissible to transgress it at all.

And Allah ta'ala said:

"O you who have believed, do not prohibit the good things which Allāh has made lawful to you and do not transgress. Indeed, Allāh does not like transgressors." [Surah Al-Mā'idah: 87]

And transgression is exceeding what is obligatory. And he who displaces the phrase from its place in the language which we were addressed in, without an order from Allah ta'ala or His messenger(sallallahu 'alayhi wa sallam), and thereby passed it to another meaning, then he has transgressed.

So let him know that Allah does not like him, and if He does not like him, then He has hated him. We seek refuge in Allah from that.

And Allah ta'ala said:

"Divorce is twice. Then [after that], either keep [her] in an acceptable manner or release [her] with good treatment. And it is not lawful for you to take anything of what you have given them unless both fear that they will not be able to keep [within] the limits of Allāh. But if you fear that they will not keep [within] the limits of Allāh, then there is no blame upon either of them concerning that by which she ransoms herself. These are the limits of Allāh, so do not transgress them. And whoever transgresses the limits of Allāh - it is those who are the wrongdoers [i.e., the unjust]."[Surah Al-Baqarah: 229]

And He, ta'ala said:

"And whoever disobeys Allāh and His Messenger and transgresses His limits - He will put him into the Fire to abide eternally therein, and he will have a humiliating punishment." [Surah An-Nisā' : 14]

And He, ta'ala, has informed us that: "...He taught Adam the names - all of them. Then He showed them to the angels and said, Inform Me of the names of these, if you are truthful." [From Surah Al-Baqarah: 31]

So He revealed a clear text, which is impossible to make ta'wil of, that He connected everything which is named, with a specific name for it, and likewise from the limits of Allah ta'ala, about which He informed us that he who transgresses them is a wrongdoer and that He shall put him into the Fire.

—

And Allah ta'ala said:

"Follow, [O Muḥammad], what has been revealed to you from your Lord - there is no deity except Him - and turn away from those who associate others with Allāh." [Surah Al-An 'ām: 106]

So He ordered him to follow the revelation, which is what is apparent and can be heard, only.
And He, ta'ala said:

"And is it not sufficient for them that We revealed to you the Book [i.e., the Qur'ān] which is recited to them? Indeed in that is a mercy and reminder for a people who believe." [Surah Al- ' Ankabūt: 51]

Thus He, ta'ala, informed us that what is obligatory upon us is to be sufficed by what is recited to us, and this is a correct forbiddance of transgressing that and seeking an interpretation other than its apparent which is recited to us only.

And He, ta'ala, said, commanding His prophet(sallallahu 'alayhi wa sallam) to say:

"Say, [O Muḥammad], I do not tell you that I have the depositories [containing the provision] of Allāh or that I know the unseen, nor do I tell you that I am an angel. I only follow what is revealed to me. Say, Is the blind equivalent to the seeing? Then will you not give thought?"
[Surah Al-An 'ām: 50] until the end of His(ta'ala) statement.

Ali said: Even if there had only been this ayah, it would have been sufficient, because he, alayhissalam, had declared that he did not know* the ghayb, and that he only followed what is revealed to him only. And the one who claims ta'wil and leaves the dhahir, leaves thereby the revelation, and claims knowledge of the unseen, and everything which is hidden from the viewer, which is the dhahir, then it is ghayb(unseen/hidden), so long as there is no evidence from daroorah of aql, or text from Allah ta'ala or from His messenger(sallallahu 'alayhi wa sallam) or ijma' which returns to the mentioned text.

Chapter 31

Excerpts On The Meaning Of Ijtihad And What Knowledge Is Obligatory To Seek

“Ijtihad is exerting effort in trying to seek the knowledge of what Allah has commanded one with, and the people who do so are of different levels, the lowest being a common person or one who accepted Islam in a nonmuslim land And each sane mature Muslim, male or female must perform taharah, salah and fasting(for healthy people) so it is obligatory for those people to know the obligations of their salah, fasting, and taharah, and how to perform them, and they must also know what is halal and haram for them in food, clothing, their private parts, people's blood, sayings, and actions, no one can afford to be ignorant of this, of both males and females, and they must be learning it from when they reach puberty and are Muslim or when they become Muslim if after puberty, and the imam is to enforce that the husbands of women teach them what we have mentioned, either by teaching it to them themselves or by allowing them to meet someone who teaches them, and it is obligatory for the imam to keep the people accountable in that and to organize people to teach the ignorant, then it is obligatory on

everyone who has wealth to learn what is obligatory on him of zakah, and men and women are equal in that, and whoever does not have wealth, learning the rulings of zakah is not obligatory on him, and for whomever hajj is obligatory, learning the actions of hajj and umrah is obligatory, and that is not obligatory on the person who has no wealth or health in his body, then it is obligatory on the rulers and judges to learn the rulings and aqdiya and hudood, and those are not obligatory on those other than them to learn, then it is obligatory on the businesspeople to learn the rulings of selling and what is halal and haram of it, and that is not obligatory on he who does not buy or sell...”

(summarized and paraphrased excerpt)

Then it is obligatory upon every congregated group in a village or city or daskarah[large village](majsharah with us) or حلة of a'rab or fortress, to depute someone from them to seek out all the rulings of the religion, the first of them to the last of them, and to learn the entire Qur'an, and to write all that is authentically narrated from the Prophet(salallahu alayhi wa sallam), of ahadith of rulings, the first of them to the last of them, and ascertaining that they are preserved with their precise phrasing, and ascertaining all that the Muslims came to consensus on

ثم فرض على كل جماعة مجتمعة في قرية أو مدينة أو دسكرة وهي المجشرة عندنا أو حلة أعراب أو حصن أن ينتدب منهم لطلب جميع أحكام الديانة أولها عن آخرها ولتعلم القرآن كله ولكتاب كل ما صح عن النبي صلى الله عليه وسلم من أحاديث الأحكام أولها عن آخرها وضبطها بنصوص ألفاظها وضبط كل ما أجمع المسلمون عليه

.....

If they do not find in their locality someone who can make them knowledgeable in all of that as we have mentioned, then it is obligatory for them to travel to where they can find the scholars who have the types of knowledge, even if their dwellings/lands are far, and even if they are in China, because of the statement of Allah ta'ala:

And it is not for the believers to go forth all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious.

[Surah At-Tawbah: 122]

فإن لم يجدوا في محلّتهم من يفقههم في ذلك كله كما ذكرنا ففرض عليهم الرحيل إلى حيث يجدون العلماء المحتوين على صنوف العلم وإن بعدت ديارهم ولو أنهم بالصين لقوله تعالى ﴿وَمَا كَانَ الْمُؤْمِنُونَ لِيَنفِرُوا كَافَّةً فَلَوْلَا نَفَرَ مِن كُلِّ فِرْقَةٍ مِّنْهُمْ طَائِفَةٌ لِّيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ﴾

And going forth and returning are not done except by traveling, and whoever finds in his locality one who can give him knowledge in the categories of knowledge, as we have mentioned, then the Ummah is upon consensus on that he is not obligated to travel in that, except going to the masjid of the faqeeh or his house only, as the sahabah used to do with the Prophet(sallallahu 'alayhi wa sallam), and likewise is the view in memorizing the entire Qur'an and teaching it, it is obligatory for every Muslim to learn umm al-Qur'an and some* Qur'an and it is obligatory on all the Muslims to have in each village or city or fortress someone who memorizes the entire Qur'an and teaches it to people and recites it to them, because of the command of Allah's messenger(sallallahu 'alayhi wa sallam) for it to be recited,

والنفار والرجوع لا يكون إلا برحيل ومن وجد في محلّته من يفقهه في صنوف العلم كما ذكرنا فالأمة مجمعة على أنه لا يلزمه رحيل في ذلك إلا القصد إلى مسجد الفقيه أو منزله فقط كما كان الصحابة يفعلون مع النبي صلى الله عليه وسلم وهكذا القول في حفظ القرآن كله وتعليمه ففرض على كل مسلم حفظ أم القرآن وقرآن ما وفرض على جميع المسلمين أن يكون في كل قرية أو مدينة أو حصن من يحفظ القرآن كله ويعلمه الناس ويقرئه إياهم لأمر رسول الله صلى الله عليه وسلم بقراءاته

so with all that we have mentioned, it is established that the going forth that is mentioned is obligatory on the entire congregation of people until some of them perform it, the obligation is then dropped for the rest, and as for he who says it is not obligatory on the congregation but is obligatory on some of them

فصح بكل ما ذكرنا أن النفاذ المذكور فرض على الجماعة كلها حتى يقوم بها بعضهم فيسقط عن الباقيين وأما من قال إنه ليس فرضا على الجماعة لكنه فرض على بعضهم

but he performs ijtihad according to what he is able to do of research on what comes to his attention of texts of the Book and the Sunnah and their evidences and from consensus and its evidences, and it is obligatory on this one, if he asks a faqeeh who then gives him a fatwa, to say to him, from where have you said this? So he learns from that the measure of what his ability and understanding reaches

لكن يجتهد هذا على حسب ما يطيق في البحث عما نابه من نص الكتاب والسنة ودلائلها ومن الإجماع ودلائله ويلزم هذا إذا سأل الفقيه فأفتاه أن يقول له من أين قلت هذا فيتعلم من ذلك مقدار ما انتهت إليه طاقته وبلغه فهمه

and as for those who take the duty* of seeking fiqh, and they are those who go forth to become knowledgeable(tafaqquh), who carry out the obligation of going forth from their community, who are prepared to warn their people, and to teach the learner, and to give fatawa to those who seek them, and perhaps for judging between the people, then it is obligatory upon them to find out the sciences of the religion, according to their ability, and from the rulings of the Qur'an and the hadith of the Prophet (sallallahu 'alayhi wa sallam), and sorting/organizing" transmission, and the attributes of transmission, and knowledge of the sahih sanad as opposed to what is other than it, of mursal da'eef.

وأما المنتصبون لطلب الفقه وهم النافرون للفقهاء الحاملون لفرض النفاذ عن جماعتهم المتأهبون لنذارة قومهم ولتعلم المتعلم وقتيا المستفتي وربما للحكم بين الناس ففرض عليهم تقصي علوم الديانة على حسب طاقتهم ومن أحكام القرآن وحديث النبي صلى الله عليه وسلم ورتب النقل وصفات النقلة ومعرفة السند الصحيح مما عده من مرسل ضعيف

This is his necessary obligation. If he increases upon that, in learning knowledge of ijma' and ikhtilaf, and why every person said their view, and how the sayings of those who differ and disagree are to be referred to the Book and the Sunnah, then this is good. And it is obligatory for him to learn the attributes* of the proofs with which the truth is differentiated from falsehood, and what is to be done with texts whose dhahir seem to be contradictory, and all of this has proof in the Qur'an.

هذا فرضه اللازم له فإن زاد إلى ذلك معرفة الإجماع والاختلاف ومن أين قال كل قائل وكيف يرد أقاويل المختلفين المتنازعين إلى الكتاب والسنة فحسن وفرض عليه تعلم كيفية البراهين التي يتميز بها الحق من الباطل وكيف يعمل فيما ظاهره التعارض من النصوص وكل هذا منصوص في القرآن

Allah ta'ala said:

"And it is not for the believers to go forth all at once. For there should separate from every division of them a group [remaining] to obtain understanding in the religion and warn their people when they return to them that they might be cautious."

[Surah At-Tawbah: 122]

So this is obligation of learning the rulings of the Qur'an and the rulings of the commands of the Prophet(sallallahu 'alayhi wa sallam), because these two are asl ad-din,

قال تعالى {وما كان لمؤمنون لينفروا كافة فلولا نفر من كل فرقة منهم طائفة ليتفقهوا في الدين ولينذروا قومهم إذا رجعوا إليهم لعلهم يحذرون} فهذا إيجاب لتعلم أحكام القرآن وأحكام أوامر النبي صلى الله عليه وسلم لأن هذين أصل الدين and Allah ta'ala said:

"O you who have believed, if there comes to you a disobedient one with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful." [Surah Al-Hujurât: 6]

So because of this it is obligatory to come to know those who are trustworthy in transmission from those who are fussaqa, and those who are fuqaha' of them from those who did not become knowledgeable,

وقال تعالى { يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا أَن تُصِيبُوا قَوْمًا بِجَهْلَةٍ فَتُصْحَبُوا عَلَىٰ مَا فَعَلْتُمْ لَدْغِيمٍ } فوجب بذلك تعرف عدول النقلة من فسادهم وفقهائهم ممن لم يتفقه منهم

and as for knowledge of consensus and ikhtilaf, then it has been said that this is obligatory for us to know because of the statement of Allah ta'ala:

'O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result." [Surah An-Nisâ': 59]

وأما معرفة الإجماع والاختلاف فقد زعم أن هذا يجب بقوله تعالى { يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِن كُنتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا }

He said: So it is obligatory for us to know what those in authority among us agreed on, because we are commanded to obey them, and we cannot obey them unless we know their consensus which we are obligated to obey them in,

قال ففرض علينا معرفة ما اتفق عليه أولو الأمر منا لأننا مأمورون بطاعتهم ولا يمكننا طاعتهم إلا بعد معرفة إجماعهم الذي يلزمنا طاعتهم فيه

and as for knowledge of ikhtilaf and knowledge of what they disagree in and knowledge of how to refer to the Book and the Sunnah, then it is because of Allah ta'ala's statement:

*

'O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result." [Surah An-Nisâ': 59]

so it is obligatory for us to know what they disagree in and how that is to be referred to the Book and Sunnah,

وأما معرفة الاختلاف ومعرفة ما يتنازعون فيه ومعرفة كيفية الرد إلى الكتاب والسنة فبقوله تعالى إيا أيها الذين آمنوا أطيعوا الله وأطيعوا لرسول وأولي الأمر منكم فإن تنازعتم في شئ فردوه إلى الله ولرسول إن كنتم تؤمنون بالله واليوم الآخر ذلك خير وأحسن تأويلاً} ففرض علينا معرفة ما يتنازعون فيه ومعرفة كيف يرد ذلك إلى الكتاب والسنة

because if we do not know the ikhtilaf, we assume that a statement that we hear from some of the scholars has no disagreement on it, so we follow it without comparing it against the Qur'an and Sunnah, so we err and disobey Allah ta'ala if we take a view that we were forbidden to follow.

لأننا إن لم نعرف الاختلاف ظننا أن القول الذي نسمعه من بعض العلماء لا خلاف فيه فننتبعه دون أن نعرضه على القرآن والسنة فنخطيء ونعصي الله تعالى إذ أخذنا قولاً نهيناً عن اتباعه

Abu Muhammad said: And this is a mistake because Allah ta'ala only commanded us to obey those in authority in what they transmitted to us from Allah's messenger(sallallahu 'alayhi wa sallam), and as for if they say something from themselves, a ruling that has no text supporting it, then it is not permissible at all for anyone to do it*, and it is not halal for anyone at all to obey who he does it,

قال أبو محمد وهذا خطأ لأننا إنما أمرنا تعالى بطاعة أولي الأمر فيما نقلوه إلينا عن رسول الله صلى الله عليه وسلم فأما أن يقولوا من عند أنفسهم بحكم لا نص فيه فما جاز هذا قط لأحد أن يفعله ولا حل لأحد قط أن يطيع من فعله

Excerpts On What The Faqeeh Must Know And On Who Is Allowed To Give Fatawa And Judge Between People

So it is obligatory for the faqeeh to be knowledgeable in the Arabic language so he can understand the words of Allah 'azza wa jal and the words of His prophet (sallallahu 'alayhi wa sallam), and that he is knowledgeable in nahw which is the way the Arabic arrange their speech, the language in which the Qur'an was revealed

ففرض على الفقيه أن يكون عالماً بلسان العرب ليفهم عن الله عز وجل وعن النبي صلى الله عليه وسلم ويكون عالماً بالنحو الذي هو ترتيب العرب لكلامهم الذي به نزل القرآن

And it is obligatory for the faqeeh to be knowledgeable of the history of the Prophet(sallallahu 'alayhi wa sallam) so that he can know the last of his commands and the first of them and his fighting of those who he fought and his peace with those he was peaceful with and so he can know for what reason he fought and for what reasons he did not fight(in other cases) and made blood impermissible after making it permissible, and his rulings that he ruled with

وفرض على الفقيه أن يكون عالماً بسير النبي صلى الله عليه وسلم ليعلم آخر أوامره وأولها وحربه صلى الله عليه وسلم لمن حارب وسلمه لمن سالم وليعرف على ماذا حارب ولماذا وضع الحرب وحرم الدم بعد تحليله وأحكامه صلى الله عليه وسلم التي حكم بها

so whoever is like this, and has wara' in giving fatawa, and is worried/careful about his religion, strong/strict upon the truth, it is permissible for him to give fatawa, and if not, it is impermissible for him to give a fatwa between two people or to give a judgement between two people and it is haram for the imam to perform taqlid of his hukm or to permit him to give fatawa, and it is haram for the people to seek fatawa from him, because if he is not knowledgeable in what we have mentioned then he has not become knowledgeable (a faqeeh) in the religion, and if he is not worried/careful in his religion then he is a fasiq, and if he is not strong/strict then he does not command good and forbid evil

فمن كانت هذه صفته وكان ورعا في فتياه مشفقا على دينه صليبا في الحق حلت له الفتيا وإلا فحرام عليه أن يفتي بين اثنين أو أن يحكم بين اثنين وحرام على الإمام أن يقلده حكما أو يتيح له فتيا وحرام على الناس أن يستفتوه لأنه إن لم يكن عالما بما ذكرنا فلم يتفقه في الدين وإن لم يكن مشفقا على دينه فهو فاسق وإن لم يكن صليبا لم يأمر بمعروف ولا نهى عن منكر

and commanding good and forbidding evil are obligations upon the people. Allah ta'ala said:

"And let there be [arising] from you a nation inviting to [all that is] good, enjoining what is right and forbidding what is wrong, and those will be the successful."

[Surah Âl-`Imrân: 104]

And this is directed towards those who are knowledgeable of the right and wrong, because it is only permissible* for the person who knows what is good to call to it, and it is only possible for the person who knows what is right to call to it, and it is only possible for the person who is able to distinguish evil to condemn it, so if he is, along with what we have mentioned, strong in carrying out orders and good in siyasah, then it is permissible for him to have judgeship and leadership, and if not, then it is not.

والأمر بالمعروف والنهي عن المنكر فرضان على الناس قال تعالى { وَلَتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إِلَى الْخَيْرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَئِكَ هُمُ الْمُفْلِحُونَ } وهذا متوجه إلى العلماء بالمعروف وبالمنكر لأنه لا يجوز أن يدعو إلى الخير إلا من علمه ولا يمكن أن يأمر بالمعروف إلا من عرفه ولا يقدر على إنكار المنكر إلا من يميزه فإن كان مع ما ذكرنا قويا على إنفاذ الأمور حسن السياسة حل له القضاء والإمرة وإلا فلا

Allah's messenger(sallallahu 'alayhi wa sallam) said: "The strong Muslim is more beloved to Allah than the weak Muslim," and he, sallallahu 'alayhi wa sallam, said to Abu Dharr: "Oh Abu Dharr, indeed I love for you what I love for myself, indeed you are weak, so do not take authority over two people and do not take responsibility over the wealth of an orphan," and Abu Dharr was among those who are allowed to give fatawa, but was not among those who are allowed to judge

قال رسول الله صلى الله عليه وسلم المؤمن القوي أحب إلى الله من المؤمن الضعيف وقال صلى الله عليه وسلم لأبي ذر يا أبا ذر إني أحب إليك ما أحب لنفسي إنك ضعيف فلا تأمرن على اثنين ولا تولين مال يتيم وكان أبو ذر رضي الله عنه ممن له أن يفتي ولم يكن ممن له أن يقضي

Excerpt On The Definition Of Fiqh And What It Consists Of

The definition of fiqh is knowledge of the rulings of the shari'ah, from the Qur'an and from the mursal speech in this, which are the only sources that are taken from, and the explanation of this definition as we have mentioned, is knowledge of the rulings of the Qur'an and what abrogates and is abrogated of it, and knowledge of the rulings of the speech of Allah's messenger(sallallahu 'alayhi wa sallam), what abrogates and is abrogated of it, and those

narrations which are authentically narrated from those which are not* authentically narrated, and knowledge of what the scholars came to consensus on and what they differed in, and how ikhtilaf is to be referred to the Qur'an and the speech of the Messenger, sallallahu 'alayhi wa sallam.

فحد الفقه هو المعرفة بأحكام الشريعة من القرآن ومن كلام المرسل بها الذي لا تؤخذ إلا عنه وتفسير هذا الحد كما ذكرنا المعرفة بأحكام القرآن وناسخها ومنسوخها والمعرفة بأحكام كلام رسول الله صلى الله عليه وسلم ناسخه ومنسوخه وما صح نقله مما لو يصح ومعرفة ما أجمع العلماء عليه وما اختلفوا فيه وكيف يرد الاختلاف إلى القرآن وكلام الرسول صلى الله عليه وسلم

So this is the explanation of knowledge of rulings of the sharee'ah, and everyone who knows a single issue of his religion on the level* we have mentioned, it is permissible for him to give fatwa in that, and his ignorance of what he is ignorant of is not something that prevents him from giving fatwa in that which he does know, and his knowledge of what he does know is not something that permits him to give fatwa in that which he is ignorant of.

فهذا تفسير العلم بأحكام الشريعة وكل من علم مسألة واحدة من دينه على الرتبة التي ذكرنا أجاز له أن يفتي بها وليس جهله بما جهل بمانع من أن يفتي بما علم ولا علمه بما علم بمبيح له أن يفتي فيما جهل

And there is no one after the Prophet(sallallahu 'alayhi wa sallam), except that much knowledge has been hidden from him, while it is present with other than him, so if giving fatawa was only possible for those who have all of the knowledge, then it would not have been permissible for a single person after Allah's messenger(sallallahu 'alayhi wa sallam) to give fatawa at all, and no Muslim says this, and it is invalidation of the religion and kufr from he who says it

وليس أحد بعد النبي صلى الله عليه وسلم إلا وقد غاب عنه من العلم كثير هو موجود عند غيره فلو لم يفت إلا من أحاط بجميع العلم لما حل لأحد من الناس بعد رسول الله صلى الله عليه وسلم أن يفتي أصلاً وهذا لا يقوله مسلم وهو إبطال للدين وكفر من قائله

Excerpts On The Types Of People Who Give Fatawa

There is no person who gives fatawa in religion nor in medicine at all, except that he is one of three people, he is either a scholar who gives fatawa based on what reached him of texts after doing research and investigation as he must do, this one is rewarded whether he is mistaken or correct, and it is obligatory upon him to give fatawa according to what he knows.

فلا يوجد مفت في الديانة وفي الطب أبداً إلا أحد ثلاثة أناسي إما عالم يفتي بما بلغه من النصوص بعد البحث والتقصي كما يلزمه فهذا مأجور أخطأ وأصاب وواجب عليه أن يفتي بما علم

.....

The third type is an ignorant person, weak in intellect, who gives fatawa without certainty in knowledge, while he thinks he is correct, but he did not research as much as he should have, and if he had intellect, he would have known that he was ignorant,

وإما جاهل ضعيف العقل ويفتي بغير يقين علم وهو يظن أنه مصيب ولم يبحث حق البحث ولو كان عاقلاً لعرف أنه جاهل

Excerpts On The Lack Of Necessity Of Knowing All Available Knowledge Before Giving Fatawa

فلا يوجد مفت في الديانة وفي الطب أبداً إلا أحد ثلاثة أناسي إما عالم يفتي بما بلغه من النصوص بعد البحث والتقصي كما يلزمه فهذا مأجور أخطأ وأصاب وواجب عليه أن يفتي بما علم وإما فاسق يفتي بما يتفق له مستديماً لرياسة أو لكسب مال وهو يدري أنه يفتي بغير واجب وإما جاهل ضعيف العقل ويفتي بغير يقين علم وهو يظن أنه مصيب ولم يبحث حق البحث ولو كان عاقلاً لعرف أنه جاهل فلم يتعرض لما لا يحسن

and in the Prophet's(sallallahu 'alayhi wa sallam) sending of the amirs to the lands to teach the people the Qur'an and ruling of the religion, while none of them knew all of it in entirety, because verses and rulings would come down after them, is a proven clarification that the scholars, even if they are missing much knowledge, may still give fatawa and judge according to what they know

وفي بعثه النبي صلى الله عليه وسلم الأمراء إلى البلاد ليعلموا الناس القرآن وحكم الدين ولم يكن أحد منهم يستوعب جميع ذلك لأنه قد كان تنزل بعدهم الآيات والأحكام بيان صحيح بأن العلماء وإن فاتهم كثير من العلم فإن لهم أن يفتوا ويقضوا بما عرفوا

and this chapter" is also an evident clarification of that **whoever knows correct" knowledge on something in the religion, then he may give fatawa according to it, and upon him is to seek knowledge of what he is ignorant of other than that, and** whoever knows that about the issue at hand there is a hadith which he is missing, it is not permissible for him to give a fatwa in that until he finds* that hadith,

وهذا الباب أيضا بيان جلي على أن من علم شيئا من الدين علما صحيحا فله أن يفتي به وعليه أن يطلب علم ما جهل مما سوى ذلك ومن علم أن في المسألة التي نزلت حديثا قد فاتته لم يحل له أن يفتي في ذلك حتى يقع على ذلك الحديث

and whoever does not know the rulings upon the characteristic that we have mentioned before, rather only performed taqlid in the masaa'il, then indeed it is not permissible for a Muslim to seek a fatwa from him, nor is it permissible for him to give a fatwa between two people, nor is it permissible for the imam to give him judgeship nor authority/rule* at all, and it is not permissible for him, if he performs taqlid of that, to judge between two people, and each and every person after the Prophet(sallallahu 'alayhi wa sallam) is such that he" makes mistakes sometimes and is correct sometimes; his making of errors does not mean his correct sayings cannot be accepted, and from Allah ta'ala is all success.

..

ومن لم يعلم الأحكام على الصفة التي ذكرنا قيل لكن إنما أخذ المسائل تقليدا فإنه لا يحل لمسلم أن يستفتيه ولا يحل له أن يفتي بين اثنين ولا يحل للإمام أن يولييه قضاء ولا حكما أصلا ولا يحل له إن قلد ذلك أن يحكم بين اثنين وليس أحد بعد النبي صلى الله عليه وسلم إلا وهو يخطيء ويصيب فليس خطأه بمانع من قبول صوابه وبالله تعالى التوفيق

Chapter 36

Chapter: Asking The Narrators About The Sayings Of The Scholars

Abu Muhammad said: So if a person says: What should a scholar do if he is asked about an issue, but he cannot tell the answer, or a new issue arose for him, and he is not able to tell the answer? It is said to him, and from Allah ta'ala is all success, he must ask the narrators about the sayings of the scholars about this issue,

then compare those sayings with the Book of Allah ta'ala and the speech of the Prophet(sallallahu 'alayhi wa sallam), as Allah ta'ala ordered him to do, when He said: "And We sent not before you except men to whom We revealed [Our message]. So ask the people of the message [i.e., former scriptures] if you do not know."(Surat an-Nahl: 43) and when He said: "And in anything over which you disagree - its ruling is [to be referred] to Allāh. [Say], "That is Allāh, my Lord; upon Him I have relied, and to Him I turn back.""(Surat al-Shura: 10) and His, ta'ala, saying: "O you who have believed, obey Allāh and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allāh and the Messenger, if you should believe in Allāh and the Last Day. That is the best [way] and best in result."(Surat an-Nisa: 59)

and Allah ta'ala did not say to refer it to Malik and Abu Hanifah and al-Shafi'i, so he who believes in Allah and the Last Day, let him refer what is differed upon in the religion, to the Qur'an and Sunnah which is authentically narrated from the Prophet(sallallahu 'alayhi wa sallam), and let him fear Allah and not refer that to any man among the Muslims who he was not ordered to refer it to,

....

and Allah ta'ala has said: "[We sent them] with clear proofs and written ordinances. And We revealed to you the Dhikr that you may make clear to the people what was sent down to them and that they might give thought."(Surat an-Nahl: 44)

so He did not make explanation/clarification to be for anyone other than His prophet(sallallahu 'alayhi wa sallam), so he who refers to other than him, has been deprived of clarification, and has obtained misguidance, and we seek refuge in Allah from this.

For taqlid is all haram, in all of the legislation, the first of it to the last of it, of tawheed, nubuwwah, qadr, iman, wa'eed, imamah, mufadalah, and all of the acts of worship and rulings.

So if someone says: Then what is the meaning of the statement of Allah ta'ala: "And We sent not before you except men to whom We revealed [Our message]. So ask the people of the message [i.e., former scriptures] if you do not know."(Surat an-Nahl: 43)? It is to be said to him, and from Allah ta'ala is all success, indeed, He, ta'ala, ordered us to ask the people of knowledge about what Allah ta'ala ruled regarding this issue, and what was narrated from Allah's messenger(sallallahu 'alayhi wa sallam) regarding it, and He did not order us to ask them about a new legislation which they make up for us from their opinions,

and Allah's messenger(sallallahu 'alayhi wa sallam) has clarified that with his statement that the one who is present should inform the one who is absent, and Allah ta'ala made it clear with His statement: "Prohibited to you are dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allāh, and [those animals] killed by strangling or by a violent blow or by a head-long fall or by the goring of horns, and those from which a wild animal has eaten, except what you [are able to] slaughter [before its death], and those which are sacrificed on stone altars, and [prohibited is] that you seek decision through divining arrows. That is grave disobedience. This day those who disbelieve have despaired of [defeating] your religion; so fear them not, but fear Me. This day I have perfected for you your religion and completed My favor

upon you and have approved for you Islām as religion. But whoever is forced by severe hunger with no inclination to sin - then indeed, Allāh is Forgiving and Merciful.”(Surat al-Ma’idah: 3)

so the entire religion has been perfected, there is no allowance for anyone to add anything into it or take anything away from it, or to change anything, and all of this would be kufr from one who permits it.

And Allah ta’ala has ordered the mutafaqqiheen to go forth* to seek out the rulings of the religion, and He did not order them to speak according to something else*, rather Allah ta’ala forbade that by condemning a people who legislated for themselves in the religion that which He did not give permission for, and with His(‘azza wa jal) statement: “Then do they not reflect upon the Qur’ān? If it had been from [any] other than Allāh, they would have found within it much contradiction.”(Surat an-Nisa’: 82)

....

So if a person asks: Then what should the common person do if a new religious issue occurs with him? Abu Muhammad said: The answer-and from Allah ta’ala is all success-is that: Indeed we have clarified Allah’s(ta’ala) prohibition of taqlid as a whole, and Allah ta’ala did not specify the common person to the exclusion of the scholar in that, or the scholar to the exclusion of the common person, and the address of Allah ta’ala is toward every person. So taqlid is haram for the slave who was taken from his land, the common person, the virgin in seclusion, and the shepherd at the tops of the mountains, just as it is haram for the well-versed scholar, with no difference.

And ijtiḥad in seeking the ruling of Allah ta’ala and of His messenger(sallallahu ‘alayhi wa sallam) in everything which is relevant to a person in his religion, is a must upon all those who we have mentioned, just like it is a must upon the well-versed scholar, with no difference. So he who performs taqlid of any* of those who we have mentioned, has disobeyed Allah ‘azza wa jal, and sinned. But they are different in the manner of ijtiḥad, for each person among them does not have to do except that which he is capable of, because of the statement of Allah ta’ala: “Allāh does not charge a soul except [with that within] its capacity. It will have [the consequence of]

what [good] it has gained, and it will bear [the consequence of] what [evil] it has earned. "Our Lord, do not impose blame upon us if we have forgotten or erred. Our Lord, and lay not upon us a burden like that which You laid upon those before us. Our Lord, and burden us not with that which we have no ability to bear. And pardon us; and forgive us; and have mercy upon us. You are our protector, so give us victory over the disbelieving people." (Surat al-Baqarah: 286) and because of His(ta'ala) statement: "So fear Allāh as much as you are able and listen and obey and spend [in the way of Allāh]; it is better for your selves. And whoever is protected from the stinginess of his soul - it is those who will be the successful." (Surat at-Taghabun: 16)

And taqwa, all of it, is action in the religion, according to what Allah ta'ala obligated in it, and He, ta'ala, only gave us the duty of performing what we are capable of, from it, and that which we are not capable of is dropped for us, and this is a clear scripture* proving that one does not need to research regarding the religious issue more than he is capable of, so upon each person is his share of ijtiḥād, and the measure of his ability in it.

So the ijtiḥād of the common person is that if he asks a learned person on the matters of his religion, and receives a fatwa, he asks him: Is this what Allah and His messenger ordered? If the learned person says yes, then the asker accepts his view, and he does not need to do more searching than that. But if the learned person says "No," or says "This is what I say," or says that it is the saying of Malik, or of ibn Qasim, or Abu Hanifah, or Abu Yusuf, or al-Shafi'i, or Ahmad, or Dawud, or names a companion or tabi' or those other than them, other than the Prophet(sallallahu 'alayhi wa sallam), or scolds him, or remains silent, then it is not permissible for the asker to take his fatwa, and it is obligatory upon him to ask someone else from those who are learned, and to seek them out wherever they may be,

if the Muslim only asks he who he asks of the learned people about the religious issue, so that he may inform him of the ruling of Allah ta'ala and the ruling of Muhammad(sallallahu 'alayhi wa sallam) regarding that, and what is obligatory in the religion of Islam regarding that issue, and if he knew that he was being given a fatwa which is other than that, then he would have disavowed it and fled from it. And it is obligatory upon the faqeeh, if he knows that the fatwa he gave is in the text of the Qur'an and the sunnah from Allah's messenger(sallallahu 'alayhi wa sallam) or consensus, to say to the asker: "Yes, this is what Allah ta'ala and* His messenger(sallallahu 'alayhi wa sallam) ordered,"

and it is impermissible for him to ascribe to Allah ta'ala and to His messenger(sallallahu 'alayhi wa sallam) anything he took from qiyas or istihsan or taqlid of anyone other than the Prophet(sallallahu 'alayhi wa sallam), for* if he does that, he is lying upon the messenger(sallallahu 'alayhi wa sallam), and saying that which he did not say, and the Fire has become obligated upon him with certainty, by the statement of Allah's messenger(sallallahu 'alayhi wa sallam): "Let he who speaks a lie about me enter the Fire,"*. And no one is incapable of doing what we have mentioned, even if he is at the peak of ignorance, because a person is not a Muslim until he knows that Allah ta'ala is his Lord and that the Prophet('alayhissalam), Muhammad bin 'Abdullah, is the messenger of Allah with the correct religion.

Ibn Hazm On Refuting Arguments Of Those Who Perform Taqlid

And some of them argued by saying that taqlid must be done because you come to the butcher and do taqlid of him by believing that he said the name of Allah 'azza wa jal, while it is possible that he did not do so, and likewise in all things. Abu Muhammad said: The person who uses this argument is either in the position of a donkey in his ignorance, or else is light in religion and has no shyness and does not fear Allah 'azza wa jal. So it is said to him: If you consider what you mentioned to be taqlid, then do taqlid of every fasiq and everyone who says anything and do taqlid of the Jews and Christians and follow their religion because in that same way we buy meat from them and believe them in that they said the name of Allah on slaughtering in the same way we buy from a virtuous Muslim, with no difference, and there is no favor in buying from an ascetic worshiper over buying it from a fasiq Jew

واحتج بعضهم بأن قال لا بد من التقليد لأنك تأتي الجزار فتقلده في أنه سمى الله عز وجل وممكن أن يكون لم يسم وهكذا في كل شيء قال أبو محمد المحتج بهذا إما كان بمنزلة الحمير في الجهل وإما كان رقيق الدين لا يستحي ولا يتقي الله عز وجل فيقال له إن كان ما ذكرت عندك تقليدا فقلد كل فاسق وكل قائل وقلد اليهود والنصارى فاتبع دينهم لأننا كذلك نبتاع اللحم منهم ونصدقهم أنهم سموا الله تعالى على ذبائحهم كما نبتاعه من المسلم الفاضل ولا فرق ولا فضل بين ابتياعه من زاهد عابد وبين ابتياعه من يهودي فاسق

and there is no favoring nor virtue for the slaughtered meat of a pious scholar over the slaughtered meat of an immoral fasiq, so perform taqlid of every person who says anything on the face of the earth, even if they differ with each other, like how we eat the slaughtered meat of every butcher, whether believer or dhimmi

ولا أثر ولا فضيلة لذبيحة العالم الورع على ذبيحة الفاسق الفاجر فقد كل قاتل على ظهر الأرض وإن اختلفوا كما نأكل ذبيحة كل جزار من مؤمن أو ذمي

So if he agrees with that then he has left Islam

فإن قال بذلك خرج عن الإسلام

.....

And he is forced by necessity to not perform taqlid of any scholar in particular rather than those other than him, just like he does not perform taqlid of a certain butcher above others, and if he refuses that then his argument from performing taqlid of a butcher and other than him has been invalidated, and his obfuscation has been dropped

ولزمه ضرورة ألا يقلد عالما بعينه دون من سواه كما أنه لا يقلد جزارا بعينه دون من سواه وإن أبى من ذلك فقد أبطل احتجاجه بتقليد الجزار وغيره وسقط تمويهه

But so that the ignorant person can know that this, what this obfuscator rioted with, of our believing the word of the butcher and the manufacturer and seller of goods with his hands, is not taqlid in the first place, and we only believe them because the text orders that we believe them and the companions of Allah's messenger(sallallahu alayhi wa sallam) had asked about this specifically and said:

ولكن ليعلم الجاهل أن هذا الذي شغب به هذا المموه من تصديقنا الجزار والصانع وبائع

سلعة بيده ليس تقليدا أصلا وإنما صدقناهم لأن النص أمر بتصديقهم وقد سأل أصحاب رسول الله صلى الله عليه وسلم عن هذه بعينها فقالوا

Oh Allah's messenger, indeed a people who were recently kafir come to us with slaughtered meat, we do not know if they say the name of Allah ta'ala over it. So [Allah's messenger](sallallahu alayhi wa sallam) said: Say the name of Allah yourselves and eat. Or how he(sallallahu alayhi wa sallam) said, and Allah ta'ala ordered the eating of the food of the people of the book and their slaughtered meat, so if they come to us with taqlid of a certain man with a text on the obligation of taqlid of him or with ijma on the obligation of taqlid of him we would go to that and follow them and that would not be taqlid in that case because a proof would have been established then on the obligation of following him

يا رسول الله إنه يأتي قوم حديثو عهد بالكفر بذبائح لا ندري أسموا الله تعالى عليها فقال صلى الله عليه وسلم سموا الله أنتم وكلوا أو كما قال صلى الله عليه وسلم وأمر تعالى بأكل طعام أهل الكتاب وذبائحهم فإن أتونا في تقليد رجل بعينه بنص على إيجاب تقليده أو بإجماع على إيجاب تقليده صرنا إليه واتبعناهم ولم يكن ذلك تقليدا

حينئذ لأن البرهان كان يكون حينئذ قد قام على وجوب اتباعه

Excerpts On Refuting Taqlid

And some of them argued by saying that it was narrated from Umar that he said: "Indeed I feel shy before Allah, 'azza wa jal, from differing with Abu Bakr."

Abu Muhammad said: And this is invalidated in 5 ways, the first being that this hadith is fabricated and mahdhuf, this phrase on its own is not authentic, as they narrated it, and it only came with phrasing which, if

authentic, is a proof against them, and we will mention it after mentioning their arguments then starting with proofs against them in this section, if Allah ta'ala wills,

and the second is that Umar disagreeing with Abu Bakr is too famous for the one with the least of knowledge of narrations to be ignorant of,

among that is his differing with him in enslaving the people of riddah, Abu Bakr enslaved them, and differing with him was narrated from Umar, that he invalidated his ruling in that and sent the women back free to their families, except she who had borne a child to her master, and among them had been Khawlah al-Hanafiyah Umm Muhammad bin Ali,

and he differed with him in dividing muftataha land, Abu Bakr had the view of dividing it while Umar had the view of iqaf of it, and he did not divide it, and he disagreed with him in mufadalah as well in giving, Abu Bakr had the view of giving equally while Umar had the view of favoring...

.....

.

Abu Muhammad said: So this is the text of Umar differing with Abu Bakr in what he thought that the Prophet sallallahu alayhi wa sallam did, and he differed with him in the fardh of the grandfather,

and in other than that are many, with authentic isnads, which invalidate the saying that he did not differ with him, and the third is that even if it were authentic as they narrated and obfuscated with, while it is not authentic like that, it would not obligate taqlid of Malik and Abu Hanifah and it cannot be imagined in the intellect of anyone who has an intellect

that in taqlid of Umar upon Abu Bakr is that which obligates the people of our time to do taqlid of Malik and Abu Hanifah, so their obfuscation with what they mentioned is invalidated, and the fourth is that the one who argues with what we mentioned from Umar, must be the most impudent of people, and most lacking of shyness, because he used as proof something which opposes him, and sought to win

with that which invalidates his argument, because he is not shy of that which Umar was(supposedly) shy of, because those who use this as proof differ with Abu Bakr and Umar in most of their views, and we have mentioned the differing of the Malikis with what they narrated in al Muwatta from Abu Bakr and Umar, previously in our book, so we do not need to repeat it, and we clarified that they narrated from Abu Bakr

six cases, five of which they opposed him in, and they differed with Umar in nearly 30 cases of what they narrated in al-Muwatta' only, so how can this person not be shy of that which Umar was shy of, and it would become necessary for him to do taqlid of Abu Bakr and Umar, and if he doesn't, then he has left the truth according to himself, if he leaves aside the saying of Umar while using his saying to prove taqlid,

and the fifth is that even if it were authentic that Umar did taqlid, while Allah has protected him from that, then for him and the rest of those who differed with him and invalidated taqlid from the sahaba, their sayings would need* to be referred to the texts, so whichever of them is proven from the text would be accepted, and the texts prove the saying of those who consider taqlid invalid.

narrated from Masruq that he said: "Six of the Ashab of the Prophet(sallallahu alayhi wa sallam) used to give fatawa to the people: Ibn Masud, Umar bin al-Khattab, Ali, Zayd bin Thabit, Abu Bin Ka'b, and Abu Musa al-Ash'ari, and three of them used to leave their saying for the saying of three others, Abdullah used to leave his own opinion for the opinion of Umar, and Abu Musa would leave his opinion for the opinion of Ali, and Zayd would leave his opinion for the opinion of Abu bin Ka'b. "

Abu Muhammad said: And they have no proof in this, for a number of reasons, one of them being that the narrator of these two narrations is Jabir al-J'fi and he is a liar, so using his narration as proof is dropped,

and the second is that this hadith has been clearly proven false, proof that is famous and whose authenticity is like the sun, and it is that ibn Mas'ud's differing with Umar is too famous to need to be mentioned, and the differing of Abu Musa with Ali is likewise,

and among the whole of his differing with him, is refraining from giving bayah to him, and from attending his مشاهد, and there is nothing greater than that in differing, and likewise Zayd differing with Abu bin Ka'b in the qira'at and fara'idh and other than that, is extremely famous, so the lying of Jabir in this narration of his becomes clear,

and the third is that even if all of this were authentic, it would be against them, not for them, because those who those mentioned people would have done taqlid of according to their claim,

are other than those who these latecomers perform taqlid of today, so there is no proof for those who perform taqlid of Malik and Abu Hanifah and al-Shafi'i, in those who perform taqlid of Umar and Ali and the two Abis, rather it is a proof against them because if taqlid of those people were truth, then taqlid of Malik and al-Shafi'i and Abu Hanifah would be falsehood,

and if taqlid of those who came early is falsehood, then taqlid of those who came late is even more invalid....

Chapter 38

The Thirty-Eighth Chapter, In Invalidation Of Qiyas In Rulings Of The Religion

[الباب الثامن والثلاثون في إبطال القياس في أحكام الدين]

Excerpt On The Definition And Types Of Qiyas

Abu Muhammad 'Ali bin Ahmad, may the pleasure of Allah be upon him, said: Groups of the late-comers(muta'akhireen) from the people who give fatawa took the view of using qiyas in the religion. They mentioned that some issues and new events have" no mention in the scripture of the speech of Allah ta'ala nor in the Sunnah of Allah's messenger(sallallahu 'alayhi wa sallam), nor did the people have consensus over it.

They said: So we look at what resembles it from what is mentioned in the Qur'an or in the Sunnah of Allah's messenger(sallallahu 'alayhi wa sallam), and we rule in what has no text or ijma' on it with the same ruling as the one transmitted about its counterpart in the text or ijma'.

So qiyas according to them is ruling in that which has no text or ijma' about it, with the same ruling as that which a text or ijma' exists for, because of both situations having the same 'illah which is the symbol* of the ruling.

This is the saying of all the حذاق of the companions of qiyas, and they are all of the companions of al-Shafi'i and groups of the Hanafis and Malikis.

And groups of the Hanafis and Malikis said it is because of the two situations' agreement in a type of similarity. And some of those who do not know what qiyas nor fiqh is, of the muta'akhireen, and he is Muhammad bin Tayyib al-Baqillani: Qiyas is carrying* one of the known things on the other in obliging some of the rulings for both of them, or dropping it for both of them because of something shared between them in a matter" or aspect that is the same between them.

Ali said: And this speech is unintelligible....

..

And Abu Hanifah said: The mursal or da'eef narration from Allah's messenger(sallallahu 'alayhi wa sallam) are more deserving of being followed than qiyas, and qiyas is not permissible if it

exists. He said: And a narration from a sahabi, if no disagreement from the sahaba* with it is known, is more deserving of being followed than qiyas. He said: And it is not permissible to rule with qiyas in kaffarat, hudud, or المقدرات

And al-Shafi'i said: Qiyas is not permissible with a text of the Qur'an or a sahih musnad narration only, and as for when they are absent, then qiyas is wajib in every ruling. And Abu al-Faraj al-Qadi and Abu Bakr al-Abhari the two Malikis said: Qiyas is more deserving of being followed than the wahid musnad narration and the mursal, and we do not know this saying from a Muslim who has the view of accepting the wahid narration before those two

And they divided qiyas into three types, one being: the division of the most similar and deserving, and it is that they said: If a ruling in a certain situation is a certain ruling, then such-and-such other situation is more deserving of that ruling, and that is like* the saying of the companions of al-Shafi'i if the expiation is obligatory in accidental killing and for the oath which is not false, then the deliberate killer and the maker of a false oath are more deserving of that, and more needing of the expiation,

And like the saying of al-Maliki and al-Shafi'i that if a man and his wife were separated due to lack of intercourse then separating between them for lack of spending which is more emphasized* than intercourse is more deserving of happening and more obligatory, and like the saying of al-Hanafi and al-Shafi'i and al-Maliki if madhahir with dhahr of the mother obligate expiation then madhahir with the private part of his mother is more deserving.

The second division is the division of the like, and it is like the saying of Abu Hanifah and Malik that if someone who deliberately has intercourse during the day in Ramadan must give expiation,

then the person who deliberately eats is like him in that, and if such expiation is obligatory on the man in that, then the woman who he has intercourse with by her own deliberate choosing is also obligated to give expiation like the man, and like the saying of some of the tabi'een and those after them that if dhihar of the man from his wife obligates expiation upon him, then the woman who that* is done to is like the man in obligation of expiation upon her, and like the

saying of al-Shafi'i that if washing the container seven times is needed from a dog licking it, then it is also like that from a pig, and like the saying of the Malikis that if 100 lashes are obligated to be given to the unmarried person who commits zina, and taghrib of a year, then the deliberate killer, if he is forgiven for the blood, is like him, and like the saying of al-Hasan that if the woman who is divorced three times inherits in sickness then the husband" also deserves inheritance from her if she dies as well.

And the third division is the division of al-adna and it is like the saying of Malik and Abu Hanifah that if cutting the hand off is obligatory for a certain measure in stealing and it is a part made permissible then the dowry in marriage is like that, and like the saying of Abu Hanifah that if the exiting of urine and stool, and they are both najis, invalidates wudu, then the exiting of blood and it is najis when it exits the body is also like that,

and like the saying of al-Shafi'i that if touching the male member invalidates wudu', then touching the dubur which is 'awrah like it, is also like that, and like the saying of al-Maliki that if saying "Uff" deliberately in prayer invalidates it, then blowing in it deliberately also does so.

Abu Muhammad said: So these are the divisions of qiyas according to the pedants who use it, and the companions of the dhahir hold the view that it is not valid to use qiyas in the religion at all.

And they said that it is not permissible to rule at all in any thing at all except with text of the speech of Allah ta'ala or text of the speech of the Prophet(sallallahu 'alayhi wa sallam) of action or approval or consensus from every last 'aalim of the Ummah with certainty that every last one of them had that view without any disagreement from any of them

or with evidence from the text or from the mentioned ijma'

Excerpt On Refuting Arguments Used By The People Of Qiyas

And the companions of qiyas rioted with things they obfuscated with, and we, in sha' Allah ta'ala, will refute all that they argued with, and we will argue against them with everything that they can be possibly be argued against with, and we shall make clear, with the help (power and strength) of Allah ta'ala, the falsehood of their attempts to use everything that they tried to use as proof, then we begin, with the aid of Allah 'azza wa jal, with presenting* the clear, necessary proofs for the invalidity of qiyas,

and there is no power nor might except with Allah, al-'Aliyy, al-'Adheem. So what they rioted with was that they said: Allah 'azza wa jal said:

"And your Lord has decreed that you not worship except Him, and to parents, good treatment. Whether one or both of them reach old age [while] with you, say not to them, "uff," and do not repel them but speak to them a noble word." [Surah Al-Isrâ': 23]

so if saying "uff " to the parents is prohibited* then striking them or killing them must also be forbidden because those are more deserving* of being forbidden than saying "uff".

and Allah ta'ala said:

"And We place the scales of justice for the Day of Resurrection, so no soul will be treated unjustly at all. And if there is [even] the weight of a mustard seed, We will bring it forth. And sufficient are We as accountant." [Surah Al-Anbiyâ': 47]

they said: So we know that that which is less than a seed and what is more than it both enter into the ruling of the weight of a mustard seed, that He, ta'ala, will bring it forth,* and He, ta'ala, said:

{ فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ }

"So whoever does an atom's weight of good will see it,

{ وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ }

And whoever does an atom's weight of evil will see it." [Surah Az-Zalzalah: 7-8]

they said: So we know that what is more than the weight of an atom and what is less than it will also be seen,

and Allah ta'ala said:

{ وَمِنْ أَهْلِ الْكِتَابِ مَنْ إِنْ تَأْمَنَهُ بِقِطْرٍ يُودَّةَ إِلَيْكَ وَ مِنْهُمْ مَنْ إِنْ تَأْمَنَهُ بِدِينَارٍ لَا يُؤَدَّةَ إِلَيْكَ إِلَّا مَا دُمْتَ عَلَيْهِ فَإِنَّ ذَلِكَ بَانَتْهُمْ فَأَلَوْا لَيْسَ عَلَيْهِ }
{ فِي الْأُمِّيِّينَ سَبِيلٌ وَيَقُولُونَ عَلَى اللَّهِ الْكَذِبَ وَهُمْ يَعْلَمُونَ }

"And among the People of the Scripture is he who, if you entrust him with a great amount [of wealth], he will return it to you. And among them is he who, if you entrust him with a [single] silver coin, he will not return it to you unless you are constantly standing over him [demanding it]. That is because they say, "There is no blame upon us concerning the unlearned." And they speak untruth about Allah while they know [it]." [Surah Âl-`Imrân: 75]

they said: So we know that what is more than a qintar and a dinar and what is less than them also enter into the ruling of the qintar and the dinar,

and Allah ta'ala said:

"And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]." [Surah Al-Baqarah: 188]

they said: So we know that what is other than consuming of clothing and other than it is haram if it is unjustly,

and Allah ta'ala said:

"And do not kill your children for fear of poverty. We provide for them and for you. Indeed, their killing is ever a great sin." [Surah Al-Isrâ': 31]

so we know that killing them for other than poverty is haram just like it is haram to kill them for fear of poverty.

They said: And the saying of people: Do not give so-and-so a seed, what is understood(mafhum) from it is that what is more than a seed and less than it also all enters into the ruling of the seed. They said: And whoever claims from this ayah an understanding other than what is in it from other than* it, then he has left what is plausible and left the language.

They said: And you agree with us in everything we said about these āyāt and this chapter and you acknowledge along with us that what is other than these textually proven things also enters into their ruling. They said: And this is, on your part, acceptance of qiyas and leaving your madhab in its invalidation.

Abu Muhammad said: Allah 'azza wa jal said:

"Or is there for man whatever he wishes?" [Surah An-Najm: 24]

and everything that they mentioned, there is no argument for them in it at all, rather it is the greatest proof against them, because it can be reversed onto them in the saying bidaleel al khitab, for indeed they say, about what we mentioned in its chapter in this diwan that whatever is other than the texts is in opposition to the texts, so according to that asl they are obligated to say here that what is other than "uff" is allowed

and that what is other than the dinar and qintar and consuming and weight of a mustard seed and atom and fear of poverty is different from the ruling of that, so their contradiction has become apparent and their madhab has destroyed itself.

Then we return and we say, and from Allah ta'ala is all success, as for the statement of Allah ta'ala:

"And your Lord has decreed that you not worship except Him, and to parents, good treatment. Whether one or both of them reach old age [while] with you, say not to them, "uff," and do not repel them but speak to them a noble word."

And lower to them the wing of humility out of mercy and say, "My Lord, have mercy upon them as they brought me up [when I was] small."" [Surah Al-Isrâ': 23-24]

If other than this phrase had not been transmitted, then it would not have contained prohibition of striking or killing the parents, rather it would have only had prohibition of saying "uff". However, when Allah ta'ala said in the same ayah:

"And your Lord has decreed that you not worship except Him, and to parents, good treatment. Whether one or both of them reach old age [while] with you, say not to them, "uff," and do not repel them but speak to them a noble word."

And lower to them the wing of humility out of mercy and say, "My Lord, have mercy upon them as they brought me up [when I was] small."" [Surah Al-Isrâ': 23-24]

this phrasing includes ihsan and noble speech and lowering the wing and humility and mercy to the parents and forbiddance of scolding them, and it obligated that they be treated with every goodness and khayr and kindness, so with these phrases and with the ahadith narrated about that, goodness to the parents in every way is obligated, with every meaning, and forbiddance of every harm and 'uquq in any way possible, not by the forbiddance of saying "uff".

And with the phrases that we have mentioned, it is known by necessity that he who insults the parents or complains about them or refuses them his help* in any thing that is not haram, then he has not been good towards them, nor did he lower the wing of humility towards them out of mercy

And if prohibition of saying "uff" was enough to not need any other mention of other forms of abusing, then Allah ta'ala would not have mentioned in the very same ayah His prohibition of repelling the parents and His command of ihsan and lowering the wing and humility toward the parents, along with His prohibition of saying "uff".

So when Allah ta'ala did not limit the prohibition only to saying "uff" on its own, the argument of those who claim that the mention of "uff" causes us to know that the other types of abuse are also intended, is invalidated.

And it is proven by necessity that for every phrase in the ayah, there is a meaning different from the rest of its phrases, but they went according to a reprehensible custom of theirs, of mentioning only part of the ayah, and abstaining from the rest of it, obfuscating to those who are deceived by them and showing disrespect to Allah by speaking with impermissible tadlees in His religion,

as they did when they mentioned the statement of Allah ta'ala:

"And when there comes to them information about [public] security or fear, they spread it around. But if they had referred it back to the Messenger or to those of authority among them, then the ones who [can] draw correct conclusions from it would have known about it. And if not for the favor of Allah upon you and His mercy, you would have followed Satan, except for a few."
[Surah An-Nisâ': 83]

when they spoke about istinbat, and they abstained from the beginning of the ayah in His, ta'ala, saying:

"And when they hear what has been revealed to the Messenger, you see their eyes overflowing with tears because of what they have recognized of the truth. They say, "Our Lord, we have believed, so register us among the witnesses." [Surah Al-Mâ'idah: 83]

while the beginning of the ayah invalidates istinbat.

and like those of them who did this with the statement of Allah ta'ala:

"So when the Qur'an is recited, then listen to it and pay attention that you may receive mercy."
[Surah Al-A'râf: 204]

they abstained from what is after it, of Allah ta'ala's statement:

"And remember your Lord within yourself in humility and in fear without being apparent in speech - in the mornings and the evenings. And do not be among the heedless." [Surah Al-A'râf: 205]

Abu Muhammad said: And of the proof by necessity that Allah ta'ala prohibiting a person to say* "uff" to his parents is not a prohibition on beating or killing or anything other than saying "uff", is that one who speaks about a person who killed another one or beat him until he broke his limbs and slandered him with the hudud and spit in his face, then a person who witnessed all of that testified about him,

and the witness said: Indeed, Zayd(meaning the killer or slanderer or striker) said "uff" to 'Amruw(meaning the killed person or beaten person or slandered person), then by consensus from us and from them, he would be a liar, slanderer, false witness, and fabricator, whose testimony would be rejected, so how can those people want us to rule with what they acknowledge to be lies? How do they consider it permissible to ascribe to Allah that which they witness to be lies?

And we seek refuge in Allah al-'Adheem from saying that it is understood from Allah 'azza wa jal's prohibition of saying 'uff to the parents that beating them or killing them or slandering them is also prohibited.

That which no one who has any knowledge of the Arabic language has any doubt in is that killing and beating and slandering, none of that is named "uff", so without doubt every person who has intellect knows that prohibition of saying "uff" is not prohibition of killing nor of beating nor of slandering, rather it is solely prohibition of saying "uff" only.

And as for Allah ta'ala's mention of the qintâr in the âyah of al-sadâq and the ayah of the people of the book fulfilling trusts,, then we have not understood from it at all that what is other than the qintâr also enters the ruling of the qintâr from those two verses,

however, because of what Allah ta'ala said:

"Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment. And it is not lawful for you to take anything of what you have given them unless both fear that they will not be able to keep [within] the limits of Allah . But if you fear that they will not keep [within] the limits of Allah, then there is no blame upon either of them concerning that by which she ransoms herself. These are the limits of Allah, so do not transgress them. And whoever transgresses the limits of Allah - it is those who are the wrongdoers." [Surah Al-Baqarah: 229]

Abu Muhammad said: This ayah forbids the husband to take anything of what he gave his wife, whether it is little or much, except if they fear that they will not keep within the limits of Allah, or if she willingly gives it up, as Allah ta'ala said:

"And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease." [Surah An-Nisâ': 4]

If not for this āyah and what shares* in its meaning, of the other āyāt and ahādīth which contain prohibition of people's wealth as a whole and prohibition of taking back* gifts, then what is in the āyah of the qintār would not have been a prohibition of what is other than the qintār at all, and a proof on that is that if two witnesses testified for Zayd that he has a qintār upon 'Amruw, and it was in their true knowledge that he had upon him two qintārs or more than a qintār or less than a qintār then they would have been two lying and slandering false witnesses,

.....

So if they say: Then what is the benefit of the ayah? It is said to them, and from Allah ta'ala is all success: The benefit in it is great, the first of that is the great reward in reciting it, in believing that it is from Allah 'azza wa jal, and also bringing to our attention thinking of His great power in His arrangement of the natures of people, so among them are the kafir who fulfils trusts and the kafir who betrays, and also that trusting them with wealth is permissible for us if we perceive trustworthiness in them, and invalidation of the claim of those who forbid wasiyyah to them with wealth

فإن قالوا فما فائدة الآية إذن قيل لهم وبالله تعالى التوفيق الفائدة فيها عظيمة فأول ذلك الأجر العظيم في تلاوتها في التصديق أنها من عند الله عز وجل وأيضا فالتنبيه لنا على التفكير في عظيم القدرة في ترتيبه لنا طبائع الناس فمنهم الوفي الكافر والخائن الكافر وأيضا فائتمانهم على المال فإن ذلك مباح لنا إذا قدرنا فيهم الأمانة وإبطال قول من منع من الوصية إليهم بالمال

....

And Allah ta'ala's mention of the qintār here is like His mention of seventy istighfarahs in His(ta'ala) statement:

"Ask forgiveness for them, [O Muhammad], or do not ask forgiveness for them. If you should ask forgiveness for them seventy times - never will Allah forgive them. That is because they disbelieved in Allah and His Messenger, and Allah does not guide the defiantly disobedient people." [Surah At-Tawbah: 80]

وذكره تعالى القنطار ههنا كذكره السبعين استغفارة في قوله تعالى { أَسْتَغْفِرُ لَهُمْ أَوْ لَا تَسْتَغْفِرُ لَهُمْ إِنْ تَسْتَغْفِرْ لَهُمْ سَبْعِينَ مَرَّةً فَلَنْ يَغْفِرَ اللَّهُ لَهُمْ ذَلِكَ بِأَنَّهُمْ كَفَرُوا بِإِلَهِ وَرَسُولِهِ وَاللَّهُ لَا يَهْدِي الْقَوْمَ الْفَاسِقِينَ }

Chapter 39

[Chapter 39 On The Invalidity Of Claiming 'Ilal(Reasons) In All Rulings Of The Religion]

Excerpt On The Invalidity Of Ta'leel

Abu Muhammad Ali radi Allahu 'anhu said: Those who use qiyas of the late-coming pedants, took the view of 'ilal, and those who do not believe in qiyas differed on it, a group of them said:

قال أبو محمد علي بن أحمد رضي الله عنه ذهب القائلون بالقياس من المتحذلقين المتأخرين إلى القول بالعلل واختلاف المبطلون للقياس فقالت طائفة منهم

If Allah ta'ala revealed that He made something a reason for a certain ruling, then wherever that reason exists, that ruling exists, and they said an example* of that is the statement of Allah's messenger(sallallahu 'alayhi wa sallam) when he forbade slaughtering with a tooth, and as for a tooth, it is a bone, so they said that it is not permissible to slaughter with any bone at all

إذا نص الله تعالى على أنه جعل شيئاً ما سبباً لحكم ما فحيث ما وجد ذلك السبب وجد ذلك الحكم وقالوا مثال ذلك قول رسول الله صلى الله عليه وسلم إذ نهى عن الذبح بالسن وأما السن فإنه عظم قالوا فكل عظم لا يجوز الذبح به أصلاً

They said and from that(also) is the statement of Allah's messenger(sallallahu 'alayhi wa sallam) about butter-fat in which a mouse falls, that if it is liquid then do not use it. They said that the liquidity is the reason for not using it, so whenever najasah dissolves* into a liquid it is obligatory not to use it.

قالوا ومن ذلك قول رسول الله صلى الله عليه وسلم في السمن تقع فيه الفأرة فإن كان مائعاً فلا تقربوه قالوا فالميعان سبب ألا يقرب فحيث ما وجد مائع حلت فيه نجاسة فالواجب ألا يقرب

Abu Muhammad said: And Abu Sulayman(Dawud adh-Dhahiri) rahimahullah does not hold this view, nor any of our companions, rather it is the view of a people who are not counted* to be part of us,

قال أبو محمد وهذا ليس بقول به أبو سليمان رحمه الله ولا أحد من أصحابنا وإنما هو قول لقوم لا يعتد بهم في جملتنا

Like al-Qasani and his kind. And those said, and as for what has no text about it, it is not permissible to say that this ruling is because of such-and-such reason. And Abu Sulayman(Dawud adh-Dhahiri) and all of his companions, radi Allahu 'anhum, said that Allah does not do anything of giving rulings or other than them for an 'illah in the first place, in any way*

كالفاساني وضربائه وقال هؤلاء وأما ما لا نص فيه فلا يجوز أن يقال فيه إن هذا لسبب كذا وقال أبو سليمان وجميع أصحابه رضي الله عنهم لا يفعل الله شيئا من الأحكام وغيرها لعلها أصلا بوجه من الوجوه

So if Allah ta'ala or His messenger(sallallahu 'alayhi wa sallam) said that a certain command is for a certain reason, or because of a certain thing, or* because a certain thing happened, or for a certain thing, then for all of that we know that Allah made those as reasons for those things in those situations which the text came about, and those reasons do not obligate anything of those rulings in other than those situations, at all

فإذا نص الله تعالى أو رسوله صلى الله عليه وسلم على أن أمر كذا لسبب كذا أو من أجل كذا ولأن كان كذا أو لكذا فإن ذلك كله ندري أنه جعله الله أسبابا لتلك الأشياء في تلك المواضع التي جاء النص بها فيها ولا توجب تلك الأسباب شيئا من تلك الأحكام في غير تلك المواضع البتة

Abu Muhammad said: And this is our religion that we follow, and we call the slaves of Allah ta'ala to it, and we are certain that it is the truth with Allah ta'ala

قال أبو محمد وهذا هو ديننا الذي ندين به وندعو عباد الله تعالى إليه ونقطع على أنه الحق عند الله تعالى

so as for the hadith that they mentioned about the tooth, that it is a bone, then every bone that is other than the tooth, tadhkiyah with it is permissible...

فأما الحديث الذي ذكروا في السن أنه عظم فكل عظم ما عدا السن فالتذكية به جائزة

And as for the companions of Malik and Abu Hanifah, and they are those who prefer" qiyas over the texts of the Qur'an and hadith in many of their views, they have left qiyas in this situation as a whole, they permitted slaughtering with every bone, they were not satisfied** with this, until they got to that to takhsis of the text with no evidence,

وأما أصحاب مالك وأبي حنيفة وهم المغلبون للقياس على نصوص القرآن والحديث في كثير من أقوالهم فإنهم تركوا القياس ههنا جملة فأجازوا الذبح بكل عظيم لم يقنعوا بهذا إلا حتى تجاوزوا ذلك إلى تخصيص النص بلا دليل

so they permitted slaughtering with every tooth that has been extracted, and they limited the prohibition only to slaughtering with a tooth that has not been extracted, and they permitted slaughtering with every nail that has been ripped*, and this is a mistake from them, and he who takes something away from the religion is like he who adds to it, with no difference

فأجازوا الذبح بكل سن نزعوا على المنع من الذبح بالسن التي لم تنزع وأجازوا الذكاة بكل ظفر قلع وهذا خطأ منهم والناقص من الدين كالزائد فيه ولا فرق

O Prophet, when you [Muslims] divorce women, divorce them for [the commencement of] their waiting period and keep count of the waiting period, and fear Allah, your Lord. Do not turn them out of their [husbands'] houses, nor should they [themselves] leave [during that period] unless they are committing a clear immorality. And those are the limits [set by] Allah . And whoever transgresses the limits of Allah has certainly wronged himself. You know not; perhaps Allah will bring about after that a [different] matter.

[Surat At-Talâq: 1]

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَحْشَةٍ مُبِينَةٍ { وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَدْرِي لَعَلَّ اللَّهَ يَحْدُثُ بَعْدَ ذَلِكَ أَمْرًا }

So if ta'leel were correct, then what Allah ta'ala and His messenger(sallallahu 'alayhi wa sallam) spoke of, that He created it a reason for a ruling, would be more worthy according to everyone who has a grip of intellect and religion, than an 'illah that they extract through speculation, with no evidence, but they have flipped that around as you can see.

فلو كان التعليل صوابا لكان ما له نص الله تعالى عليه ورسوله صلى الله عليه وسلم بأن جعله سببا للحكم أولى عند كل من له مسكة عقل ودين من علة يتكهنون في استخراجها بلا دليل فهم قد قلبوا ذلك كما ترى

Abu Muhammad said: and as for the correct answer, which other than it cannot be possible, it is that the tooth and nail may not be slaughtered with, nor nahr, whether they are extracted or not extracted, and as for what is other than them of bones and the knife of the Ethiopians or other than that of what yafri, then slaughtering with it and nahr and tadhkiyah are permissible

قال أبو محمد وأما الصواب الذي لا يجوز غيره فهو أن السن والظفر لا يحل الذبح بهما ولا النحر منزوعين كانا أو غير منزوعين فأما ما عداهما من عظم ومن مدي الحبشة أو غير ذلك مما يفري فحلال الذبح به والنحر والتذكية

So if they say: Indeed ijma' has prevented us from rejecting ta'leel in the knife of the Ethiopians in the mentioned hadith, it is said to them, and from Allah ta'ala is all success, **ijma' has been established as to the truth of our view**, and upon the invalidity of ta'leel, and if not then we would be transgressing the reason that the text tells us of, to something that has no text on it

فإن قالوا إن الإجماع منعنا أن يطرد التعليل في مدي الحبشة في الحديث المذكور قيل لهم وبالله تعالى التوفيق قد ثبت الإجماع على صحة قولنا وعلى إبطال التعليل وإلا نتعدى السبب المنصوص عليه إلى ما لم ينص عليه

and if ta'leel were truth then it would not be possible for ijma' to exist opposing it.

Examples Of Invalid 'Ilal

And some of those who do not fear Allah 'azza wa jal have transgressed beyond this, saying that the Prophet(sallallahu alayhi wa sallam) gives commands and says statements which are not permissible, but for the 'illah of a different thing that he wanted. He said, and that is like his(sallallahu alayhi wa sallam) saying : "I nearly ordered for firewood to be lit.." and then he mentioned burning the houses of those who did not come to prayer in congregation. They said: this is not permissible and he(sallallahu alayhi wa sallam) only said it to show the severity, it is not that he actually wanted to do it.

And they said that his(sallallahu alayhi wa sallam) command for the container to be washed seven times from the licking of a dog, is not an obligation, rather he only did it to deter the people from ittikhadh of it because it used to harm the muhajireen.

They said: And from that(also) is his(sallallahu alayhi wa sallam) saying to the one who entered the masjid, shabby in appearance: "Stand and pray two rak'ahs," they said: Ruku' at that time is not permissible, rather he only ordered him with that to make the people notice him so that they would give him charity,

and they said: From that also is his(sallallahu alayhi wa sallam) ordering fash of hajj, and it is not permissible, but he ordered it to show them the permissibility of 'umrah in the months of hajj.

And they have many examples of this destructive confusion.

Abu Muhammad said: And the one who says these things, if not that he were excused because of the severity of the darkness of ignorance and weakness of intellect, no one would have been

more deserving of takfīr, striking the neck, and his wealth being taken, than him, because they ascribe to Allah's messenger(sallallahu alayhi wa sallam) that he orders what is batil and what is not permissible, and they attribute him with lying

Excerpt On The Reasons We Accept For Rulings

And we do not deny that Allah ta'ala could have made reasons for some of the things He legislated, rather we acknowledge that and we establish it where the scripture came saying that, like the Prophet's(sallallahu alayhi wa sallam) saying: "The greatest of the people in crime in Islam is he who asked about something that was not forbidden, then it is forbidden because of his asking."

And as how Allah ta'ala made the disbelief of the kafir and his death while being a disbeliever a reason for his dwelling eternally in the fire of Jahannam, and dying upon Īmān a reason for entering Jannah, and as how He made stealing with a certain attribute a reason for the hand being cut, and slandering with a certain attribute a reason for flogging, and intercourse with a certain attribute a reason for flogging and stoning,

and the same way we acknowledge these reasons which are in the scripture, we likewise reject for one to claim that there is a reason in a place where no scripture came saying that, and we do not say that all legislations are for reasons, rather we say that none of them are for a reason except when the scripture has said that there is a reason, and for all other cases, they are only something Allah ta'ala wanted, the One who does what He wills, and we do not make haram or halal and we do not add or take away and we do not say anything except what our Lord 'azza wa jal and our prophet(sallallahu alayhi wa sallam) said.

And we do not transgress beyond what they said and we do not leave anything of it, and this is the pure religion, which it is not permissible for anyone to oppose...

On The Impermissibility Of Questioning Allah's Actions And Rulings

and Allah ta'ala has said, describing Himself:

"He is not questioned about what He does, but they will be questioned." [Surah Al-Anbiyâ': 23]

so He, ta'ala, informed us of the difference between us and Him, and that asking why about His actions is not acceptable, and if it is not permissible for us to ask Him about anything of His (ta'ala) rulings and actions: "Why is it so?" then all reasons are invalidated as a whole and all 'ilal are dropped completely, except where Allah ta'ala revealed scripture saying that He did a certain matter because of a certain reason, and this is also of what is asked about,

so it is not permissible for anyone to say "Why is this the reason for this ruling instead of for other than it?", nor to say "Why was this made a reason instead of something else being a reason?"*, as well, because he who asks this has disobeyed Allah 'azza wa jal and committed ilhad in the religion and opposed the statement of Allah ta'ala:

"He is not questioned about what He does, but they will be questioned." [Surah Al-Anbiyâ': 23]

so he who questions what Allah does, is a fasiq...

Why Ibn Hazm Rejects The Concept Of 'Illah For Allah

'Illah for Allah must be rejected by necessity, and in the statement of Allah ta'ala:

"He is not questioned about what He does, but they will be questioned." [Surah Al-Anbiyâ': 23]

is a very clear clarification that it is not permissible for any of us to say a saying that he does not ask about*, and it is obligatory for us to ask every person who says something: "From where have you said this?". So if he clarifies for us that his statement was a true narration from his Lord(ta'ala) and from his prophet(sallallahu alayhi wa sallam), then it is obligatory for us to obey him and it is haram for us to ask him further,

and if it did not come authentically from his Lord(ta'ala) nor from his prophet (sallallahu alayhi wa sallam), then his opinion is thrown away the width of the wall(i.e it is disregarded), and his matter is turned back at him, matruk and not accepted with him, nor approved of. And this is the ruling of the reason and its action.

....

So know now that all 'ilal for the actions of Allah ta'ala are rejected, and for all of His rulings, completely, because 'illah cannot exist except for someone who is forced, and know that all reasons for all of Allah's(ta'ala) actions are rejected, and for His rulings, except when He, ta'ala, revealed a reason for them, and as for purpose in His(ta'ala) actions and legislations, it is nothing but what is apparent of it only,

and the purpose in some of them is also that the mu'tabirun might take heed/ponder, and in some of them it is that He might enter into Jannah those whom he wills to enter into it, and to

enter into the Fire those whom He wills to enter into it, and all that we have mentioned of His(ta'ala) purpose in i'tibar and entering into Jannah those whom He wills and entering into the Fire those whom He wills, and making what He wills a reason for what He wills, all of that are actions from His actions and rulings from His rulings, with no reason for them aslan, and no purpose for Him in them at all other than making them apparent(dhuhur) and forming(takween) them only

"He is not questioned about what He does, but they will be questioned." [Surah Al-Anbiyâ': 23]

and if He(ta'ala) had not revealed that He wants i'tibar(pondering) from us, and that He wants to enter into Jannah those whom He wills, then we would not have claimed those to be purposes, but we have believed in what our Lord(ta'ala) said, and we have said what we know, and we did not say that which do not know, and this is the reality of Īman which is supported by the proofs from senses and intellect,

and the proof of that is that reasons and purposes could only be either created by Allah ta'ala or not created at all or created by other than Him, and he who claims they are not created at all has committed disbelief, because he has claimed that there is something in the world that always existed*, and he who claims that they are created by someone other than Allah, has committed disbelief because he has claimed that there is a creator other than Allah ta'ala, so it is established that reasons and purposes are created by Allah ta'ala.

...

And proof has been established on that everything other than Allah ta'ala is creation of Allah, so if it is established that purpose and reason are created by Allah ta'ala, then their creation must have been either for a reason as well and for a purpose, or for no reason and no purpose. If doing it was for a different reason or different purpose then that would also be necessary in them, until the person who says this would have to say that there are ma'dudat and makhluqat with no end to them and this is kufr from the person who says it.

And if Allah ta'ala had done them without any reason or purpose, then this is the view we hold. Indeed, He, ta'ala, does what He wills, none can adjust His decision, neither for a reason nor a

purpose, other than what Allah ta'ala revealed in scripture about it only, that He did it for a purpose He wanted or for a reason, and as for what has no scripture specifying a reason for it, then we believe with certainty that He, ta'ala, did it as He willed, not for a purpose nor a reason.

And if not for the scripture revealed about that in some places, it would not have been permissible for a Muslim to say that Allah ta'ala did a certain thing for a certain reason, nor that He wanted a certain thing in performing a certain action.

"Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment. And it is not lawful for you to take anything of what you have given them unless both fear that they will not be able to keep [within] the limits of Allah . But if you fear that they will not keep [within] the limits of Allah, then there is no blame upon either of them concerning that by which she ransoms herself. These are the limits of Allah, so do not transgress them. And whoever transgresses the limits of Allah - it is those who are the wrongdoers." [Surah Al-Baqarah: 229]

الطَّلُقُ مَرَّتَيْنِ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحُ بِإِحْسَنٍ وَلَا يَجِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا ءَاتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَإِنْ خِفْتُمْ أَلَّا { يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ }

A Powerful Argument Against Qiyas And Ta'leel

Abu Muhammad said: And this is them leaving their view of 'ilal as a whole, and then leaving qiyas, and returning to the text, and if they have returned to this, then there does not remain between us and them anything except their naming the hukm 'illah only.*

So if they say that the ruling is not obligated except if Allah 'azza wa jal revealed scripture on that, then they would have agreed with us completely, but they clung to the name of "'illah" to soon return to their confusion and to transgress beyond the scripture to that which has no

scripture proving it, and this is what they will not rationalize, and from Allah ta'ala is all success.

And some of them said: This khabar al-wāhid is a hujjah in obligating action, and is not a hujjah in obligating knowledge, so do not reject our making something an 'illah in one place and not an 'illah in another place.

So it is said to him, and from Allah ta'ala is all success: This is obfuscation from you; it will not let you escape the position we have forced you into, because we have not rejected that a thing can be a hujjah in its place and context, and not a hujjah in other than its place and context, rather we have only rejected that what you claim as an 'illah can be a hujjah obligating the ruling in some of its place and context, without scripture proving that, and not a hujjah in the rest of its context and some of its places, without scripture proving it as well, so this is what we have rejected from you, not what is other than it,

and as for the khabar al-wāhid al-musnad, from the path of 'udūl, then it is a hujjah in obligating knowledge completely, if it is from the Prophet(sallallahu 'alayhi wa sallam) according to all of us.

Then we differed; one group of them said: And of it is what does not necessitate knowledge, so it does not obligate knowledge ever, and that of it which necessitates knowledge because of known reasons in it, then it obligates knowledge completely. And one group said: It obligates knowledge completely, if it was from Allah's messenger(sallallahu alayhi wa sallam), so their likening the 'illah to the khabar is invalidated.

Abu Muhammad said: And those who came before us of our companions argued against them, saying: What do you say about a person who said in his lifetime or at the time of his death: "Set my slave Maymun free because he is dark-skinned," and he has many dark-skinned slaves? Would you set all of them free because of the reason of them being dark-skinned, which is shared among all those slaves, which he(the owner) made as an 'illah for setting Maymun free, because of doing qiyas upon Maymun? Or would you not set any of them free except Maymun only?

So if you say: "We would set them free," you contradict your fatāwā and you oppose the ijma', and if you say: "We would not set them free," you have left your view of going according to 'ilal and qiyās, and you have returned to our view.

Abu Muhammad said: And this is a correct forcing, and we make it even more clear by saying-and from Allah is all success:- Indeed, the messenger of Allah, peace and blessings of Allah be upon him, said to the commanders of his units: If you besiege* the people of a fortress or city and they want you to take them out "upon the ruling of Allah", then do not do so, for indeed you do not know if you will rule according to the ruling of Allah in them or not, but take them out upon your own ruling, then judge between them what you will, and if they ask you to give them the protection of Allah and the protection of his messenger, peace and blessings of Allah be upon him,

قال أبو محمد وهذا إلزام صحيح ونحن نزيده بيانا فنقول وبالله تعالى التوفيق إن رسول الله صلى الله عليه وسلم قال لأمرأه سراياه إذا نزلتم بأهل حصن أو مدينة أرادوا أن تنزلوهم على حكم الله تعالى فلا تفعلوا فإنكم لا تدرون أتوافقون حكم الله تعالى فيهم أم لا ولكن أنزلوهم على حكمكم ثم اقضوا فيهم ما شئتم فإذا سألوكم أن تعطوهم ذمة الله عز وجل وذمة رسوله صلى الله عليه وسلم

then do not give them the protection of Allah nor the protection of His messenger, peace and blessings of Allah be upon him, however, give them your own protection, for indeed if you betray your own protection, that is less serious than betraying the protection of Allah and the protection of His messenger, (or something along this meaning),

for indeed this is a clear text from Allah's messenger sallallahu alayhi wa sallam on that daring* to ascribe something to Allah ta'ala without certainty is not permitted, and that attributing that to humans is less serious, even if it is falsehood, and Allah's messenger sallallahu alayhi wa sallam said that lying upon him is not like lying upon any other person, so if it were permissible to have views based on qiyas, and indeed* daring to do it upon the speech of the people

فلا تعطوهم ذمة الله ولا ذمة رسوله صلى الله عليه وسلم ولكن أعطوهم ذمتكم فإن تخفروا ذمتكم أهون من أن تخفروا ذمة الله وذمة رسوله أو كلاما هذا معناه فهذا نص جلي من رسول الله صلى الله عليه وسلم على أن الإقدام على نسبة شيء إلى الله تعالى بغير يقين لا يحل وأن نسبة ذلك إلى الإنسان أهون وإن كان كل ذلك باطلا وقد قال رسول الله صلى الله عليه وسلم إن كان كذبا علي ليس ككذب على أحد فلو جاز أن يقال بالقياس وبالفعل لكان الإقدام به على كلام الناس

and their rulings would have been more worthy of being done than daring to do it upon Allah 'azza wa jal and His messenger(sallallahu 'alayhi wa sallam), so when they have agreed on that he who says: "Free my slave Salim because he is dark-skinned," and he has many dark-skinned slaves, that he would free ones other than Salim on his own, who he was given explicit instructions to free,...* out of fear of changing the order and speech of the one giving the order*, then indeed what they should do first is fearing Allah 'azza wa jal with regard to the Prophet's(sallallahu 'alayhi wa sallam) saying about forbidding slaughtering with the tooth and that it is a bone, and in his order to pour out fat if a mouse died in it- so let them not transgress beyond that to every bone and every oil and every fat and every dog and every sannur*- and in his order that the person who urinates in standing water cannot make wudu' from it

وأحكامهم أولى من الإقدام به على الله عز وجل ورسوله صلى الله عليه وسلم فلما اتفقوا على أن من قال اعتقوا عبدي سالما لأنه أسود وله عبيد سود أنه لا يعتق غير سالم وحده الذي نص عليه اتقاء أن يعتقه وخوفا من تبديل أمر الموصي وكلامه فإن الأولى بهم أن يتقوا الله عز وجل في قوله صلى الله عليه وسلم في النهي عن الذبح بالسن فإنه عظم وفي أمره صلى الله عليه وسلم بهرق السمن إذا مات فيه الفأر فلا يتعدوا ذلك إلى كل عظم وكل زيت وكل دهن وكل كلب وكل سنور وفي أمره صلى الله عليه وسلم البائل في الماء الراكد الذي لا يجزي ألا يتوضأ منه

and cannot make ghusl from it, so let them not transgress beyond that to the person who does hadath in water, nor to the person who did not urinate in it at all, for indeed what is more obligatory on them is that they do not ascribe to Allah ta'ala nor to His messenger(sallallahu alayhi wa sallam) a ta'leel which was not revealed in scripture

ولا يغتسل فلا يتعدوه إلى المحدث في الماء ولا إلى ما لم يبل فيه أصلا فإن الأوجب عليهم ألا ينسبوا إلى الله تعالى ولا إلى رسوله صلى الله عليه وسلم تعليلا لم ينصا عليه

and rulings which they did not permit and did not mention at all, nor in their speech is there that which necessitates them at all, yet they feared to ascribe to humans that which they did not say, but they did not fear to ascribe to Allah ta'ala and to His messenger(sallallahu alayhi wa sallam) that which they did not say, and this is sufficient as a severe* thing; we seek refuge in Allah from it.

وأحكاما لم يأذن بها ولا ذكرها أصلا ولا في كلامهما ما يوجبهما البتة ولكنهم اتقوا أن ينسبوا إلى الناس ما لا يقولون ولم يتقوا أن ينسبوا إلى الله تعالى ورسوله صلى الله عليه وسلم ما لم يقولوا وحسبك بهذا عزيمة نعوذ بالله منها

And some of them rioted in this question, by saying: "We would have freed the rest of his dark-skinned slaves if the one giving the order said, after what he said: "Free my slave Salim because he is dark-skinned, and i'tabiru," and in that case we would have freed all of his dark-skinned slaves.

وقد شغب بعضهم في هذا السؤال بأن قال كنا نعتق سائر عبيده السودان لو أن الموصي يقول لنا بعقب قوله اعتقوا عبيدي سالما لأنه أسود واعتبروا فكنا حينئذ نعتق كل عبد له أسود

Abu Muhammad said: And this is a corrupt answer for two reasons, one of them being that even if he said "i'tabiru", it would not have been permitted to free every dark-skinned slave of his, because there is no reason to interpret his saying of i'tabiru as "Make qiyas", rather than to interpret it as meaning: "Take notice of the state that I am in, so hurry to obedience of your Lord and do not go against my wasiyyah, "

قال أبو محمد وهذا جواب فاسد من وجهين أحدهما أنه حتى لو قال ذلك ما جاز أن يعتق كل عبد له أسود لأنه ليس قوله اعتبروا أولى بأن يكون معناه قيسوا منه بأن يكون معناه واعتبروا بحالي التي أنا فيها فبادروا إلى طاعة ربكم ولا تخالفوا وصيتي

and also, the person who answers with this corrupt answer is forced to not do qiyas of anything of the rulings, unless every narration or verse that has a ruling has next to it: "wa i'tabiru***", and this is not present in anything of the rulings, nor in the narrations, nor in the silah of

anything of the verses, so analogy is invalidated as a whole by the view of this answerer, and all praise is to Allah.

وأيضاً فيلزم من أجاب بهذا الجواب الفاسد ألا يقيس على شيء من الأحكام إلا حتى يكون إلى جنب كل حديث فيه حكم أو كل آية فيها حكم واعتبروا واعتبروا وهذا غير موجود في شيء من الأحكام ولا في الحديث ولا في صلة شيء من الآيات فيطل القياس جملة بنص قوله هذا المجيب والله تعالى الحمد

Abu Muhammad said: And the question remains according to him upon them, and we increase it upon them, by saying: Even if he said "fa'tabiru," then when it is a different day, he says: "Slaughter such-and-such ram because it is crippled, and he has many crippled rams, do they slaughter every crippled ram he has because of his saying yesterday about freeing the slave and doing i'tibar, or do they not feel free to do that until they have a specific order to do that as well as "i'tabiru" along with it?

قال أبو محمد والسؤال باق بحسبه عليهم ونزيدهم فيه فنقول حتى لو قال فاعتبروا ثم لما كان نهرا آخر قال اذبحوا كبشي الفلاني لأنه أخرج وله كباش عرج أئذبحون كل كبش له أخرج من أجل قوله بالأمس في أمر عتق عبد واعتبروا أم لا يقدمون على ذلك إلا حتى يكون عند وصيته به واعتبروا

So if they say: "We consider it sufficient for him to have said that one time only," then they have infringed upon* the consensus, and this is something that they do not say. And if they did say it, they would have been judging without evidence, and claiming without proof, and if they do not say that, then they have left qiyas as a whole, and they are forced to seek out this phrase beside every ayah and hadith, and they will not find this ever.

فإن قالوا نكتفي بقوله واعتبروا مرة واحدة خرقوا الإجماع وهذا أمر لا يقولونه ولو قالوه لكانوا حاكمين بلا دليل ومدعين بلا برهان وإن لم يقولوا بذلك فقد تركوا القياس جملة ولزمهم طلب هذه اللفظة إلى جنب كل آية وحديث وهذا لا يجدونه أبدا

Abu Muhammad said: And some of them said in response to this question, when we investigated their adding* into the rulings of Allah ta'ala and the ruling of His

messenger(sallallahu 'alayhi wa sallam) that which no explicit scripture came with, rather as ta'leel and qiyas from them,

قال أبو محمد وقد قال بعضهم في جواب هذا السؤال إذ تتبعنا عليهم إدخالهم في أحكام الله تعالى وحكم رسوله صلى الله عليه وسلم ما لم يأت به نص لكن تعليلاً منهم وقياساً

then they investigate* the avoidance of the like of this in the sayings of Abu Hanifah and Malik and al-Shafi'i, and they do not go against the texts of their sayings- they said: "It is the address of humans and could be corrupt and has no wisdom in it, and the address of Allah ta'ala is wisdom, "

ثم يتحرون تجنب مثل هذا في أقوال أبي حنيفة ومالك والشافعي فلا يتعدون نصوص أقوالهم فقالوا خطاب الأدميين وقد يكون فاسداً ولا حكمة فيه وخطاب الله تعالى حكمة

Abu Muhammad said: and this is obfuscation which does not let them escape from the mentioned question, and it is to be said to him: "What corruption is there in the address of a person who is giving orders with regard to his wealth under what Allah ta'ala and His messenger(sallallahu 'alayhi wa sallam) and the consensus of the Ummah permitted to him, and did not transgress to what is makruh?"

قال أبو محمد وهذا تمويه لا ينفك به من السؤال المذكور ويقال له أي فساد في خطاب امرئ موص في ماله بما أباحه له الله تعالى والرسول صلى الله عليه وسلم وإجماع الأمة ولم يتعد إلى مكروه

So if it is possible to take his speech according to what it necessitates and what is understood from it, out of fear of corrupting it, then it would not be permissible to implement that wasiyyah as a whole, out of fear of corrupting it, so when they agree with us on the permissibility of that wasiyyah and taking it according to what is apparent(its dhahir), then it is established that it is truth,

فلو جاز ألا يحمل كلامه على موجه ومفهومه خوف فساده لما جاز تنفيذ تلك الوصية جملة خوف فسادها فلما اتفقوا معنا على تجويز تلك الوصية وحملها على ظاهرها صح أنها حق

and the obfuscation of those who claim* there is a difference between what we asked them about and taking the speech of people upon the apparent and what is understood, with their taking the speech of their Lord ta'ala upon kahanat, claims, assumptions, and what is not in it nor is it understood from it, is invalidated

وبطل تمويه من رام الفرق بين ما سألناهم عنه من حملهم كلام الناس على ظاهره ومفهومه وحملهم كلام ربهم تعالى على الكهانات بالدعاوى والظنون وما ليس فيه ولا مفهوماً منه

And we asked them: "How have you made that whose corruption could be possible and has no wisdom in it, of the weak sayings of Abu Hanifah and the contradicting sayings of Malik and the inconsistent sayings of al-Shafi'i, more worthy than that in which wisdom is guaranteed, of the speech of Allah ta'ala and the speech of His messenger(sallallahu 'alayhi wa sallam), to the point where you stopped taking from the scripture except that which agrees with the speech of one of those we have mentioned, and you did not stop deceiving, in declaring invalid the hukm of those who go against their sayings using the Qur'an and Sunnah, using various types of deception, baridah and wretched? The question returns to them, they are forced to answer it;* there is no escaping from it at all. And from Allah ta'ala is all success.

وقلنا لهم فيم غلبتم ما لم يؤمن فساداً وما لا حكمة فيه من أقوال أبي حنيفة المتخاذلة وأقوال مالك المتناقضة وأقوال الشافعي المتعارضة على المضمون فيه الحكمة من كلام الله تعالى وكلام رسوله صلى الله عليه وسلم حتى صرتم لا تأخذون من النصوص إلا ما وافق كلام أحد المذكورين ولا تزالون تتحيلون في إبطال حكم ما خالف قولهم من القرآن السنة بأنواع الحيل الباردة الغثة والسؤال يعد لهم لازم لا انفكاك عنه أصلاً وبالله تعالى التوفيق

And of that which our companions argued against them with, in invalidating 'ilal and analogy, is the prohibition of Allah ta'ala of the people asking the Prophet(sallallahu 'alayhi wa sallam), and ordering them to restrict themselves only to what they understand of what he ordered them with, so if what was meant by the scripture is other than what he** heard from it** then asking would be necessary so that they can clarify and learn,

ومما احتج به عليهم أصحابنا في إبطال العلل والقياس نهى الله تعالى الناس عن سؤالهم النبي صلى الله عليه وسلم وأمرهم بالاعتصار على ما يفهمون مما يأمرهم به فقط فلو كان المراد من النص غير ما سمع منه لكان السؤال لهم لازماً ليتبينوا ويتعلموا

so when they were forbidden from asking, we become certain that they were only obligated to follow what they knew** of it, and some of the people of analogy answered, and said: "Indeed they were only forbidden from asking the question that the person who asked about his father said. "*"

فلما منعوا من السؤال أيقنا أنهم إنما لزمهم ما أعلموا به فقط فأجاب بعض أصحاب القياس فقال إنما نهوا عن سؤال من سأل عن أبيه

Abu Muhammad said: And this is a direct lie, because the text of the ayah rejects the saying of this person, in the saying of Allah ta'ala after forbidding questions:

"A people asked such [questions] before you; then they became thereby disbelievers." [Surah Al-Mâ'idah: 102]

قال أبو محمد وهذا الكذب بعينه لأن نص الآية يكذب هذا القائل في قوله تعالى بعقب النهي عن السؤال { فَذَ سَأَلَهَا قَوْمٌ مِّن قَتِلِكُمْ ثُمَّ أَصْبَحُوا بِهَا كُفِرِينَ }

And Talhah(radi Allahu anhu) clarified that in his saying: We were forbidden to ask the Prophet(sallallahu alayhi wa sallam) about anything, so we would like it** when an intellectual/wise man of the people of the badiyah would come and ask him, and we would hear,

وبين ذلك طلحة رضي الله عنه في قوله كنا نهينا أن نسأل النبي صلى الله عليه وسلم عن شيء فكان يعجبنا أن يأتي بالرجل العاقل من أهل البادية فيسأله ونسمع

and al-Nawwas bin Sam'an said: I lived in Madinah for a year, not emigrating... I did not give a pledge on hijrah, because if one of us emigrated he would not be allowed to ask the Prophet (sallallahu 'alayhi wa sallam) anything (or speech which this was the meaning of)

وقال النّوأس بن سمعان أقمت بالمدينة سنة لا أهاجر يريد لا أبايع على الهجرة لأننا كنا إذا هاجر أحدنا لم يجر له أن يسأل النبي صلى الله عليه وسلم عن شيء أو كلاما هذا معناه

And the Prophet(sallallahu 'alayhi wa sallam) said: "The severest person in sin in Islam is one who asks about something that was not forbidden, so it is forbidden because of him asking," and he, sallallahu alayhi wa sallam, said: "Leave me as* I have left you, for indeed those who were before you were destroyed because of their asking many questions* and differing with their prophets, but if I forbid you from something then avoid it, and if I order you with something then bring of it what you are able to," so the objection of this objector is invalidated.

وقد قال النبي صلى الله عليه وسلم أعظم الناس جرما في الإسلام من سأل عن شيء لم يحرم فحرم من أجل مسألته وقد قال صلى الله عليه وسلم اتركوني ما تركتكم فإنما هلك من كان قبلكم بكثرة مسائلهم واختلافهم على أنبيائهم ولكن إذا نهيتكم عن شيء فاجتنبوه وإذا أمرتكم بشيء فأتوا منه ما استطعتم فبطل اعتراض هذا المعترض